

Council Action and Executive Summary

Item # 21 Ordinance/Resolution# 2591 Council District: 4

For Meeting of October 4, 2010
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR FOUR (4) DISTINCT PROPERTIES LOCATED AT 1402, 1440, 1480 W. PICACHO AVENUE & 907 N. VALLEY DRIVE. THE FOUR (4) PROPERTIES HAVE A COMBINED AREA OF 2.84 +/- ACRES AND WILL BE REPLATTED INTO ONE (1) PARCEL THAT WILL BE DEVELOPED TO FACILITATE THE USE OF A FARMING SUPPLY STORE. THE ZONE CHANGE REQUEST WILL FACILITATE ZONING COMPLIANCE FOR THE NEW PARCEL WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY SEAN P. MCMULLAN ON BEHALF OF JOHN & ELIZABETH W. MCMULLAN, TR ET AL, PROPERTY OWNERS (Z2815).

PURPOSE(S) OF ACTION: Change the zoning from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four (4) distinct properties that will be replatted into one (1) parcel having a combined area of 2.84 +/- acres.

Name of Drafter: Adam Ochoa <i>AO</i>		Department: Community Development		Phone: 528-3204	
Department	Signature	Phone	Department	Signature	Phone
Development	<i>AO</i>	528-3066	Budget	<i>Richard Lythard</i>	541-2107
Director			Assistant City Manager	<i>Sean P. McMullan</i>	541-2271
Other			City Manager	<i>John W. Sanchez</i>	541-2076
Legal	<i>Agustín Blenzy</i>	541-2128			

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The applicant, Sean P. McMullan, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four parcels of land with a combined acreage of 2.84 ± acres located at 1402, 1440, 1480 W. Picacho Avenue and 907 N. Valley Drive. Three of the subject properties are currently vacant. The fourth subject property (1480 W. Picacho) is a car dealership. It is the applicant's intent to construct a 19,097 square foot farm supply store with an outdoor display of merchandise for sale. It is also the applicant's intent to replat the four parcels into one parcel.

The proposed use, a farm supply store with an outdoor display of merchandise for sale, is an allowed use in the C-2 zoning district. The maximum lot/parcel/tract area in the C-2 zoning district is one acre. Through the proposed replatting of land into one parcel, the combined acreage of 2.84 ± acres will exceed the maximum lot/parcel/tract area for the C-2 zoning district. The zone change to C-3 (Commercial High Intensity) will bring the subject properties

into compliance with the 2001 Zoning Code, as amended in regards to lot/parcel/tract area. The proposed farm supply store with outdoor display of merchandise for sale will be required to meet the minimum development standards, including setbacks and building height, for the C-3 zoning district.

In regards to parking requirements for a proposed farm supply store with an outdoor display of merchandise for sale, the applicant will be required to comply with the parking requirements for (1) the farm supply store and (2) the outdoor display of merchandise for sale. The parking requirements for the farm supply will be one (1) parking stall for every 250 to 350 square feet of gross floor area (GFA). The parking requirements for outdoor display of merchandise for sale will be 50 percent of the total GFA of the outdoor display; that new GFA will require one (1) parking stall for every 250 to 350 square feet of GFA. The parking calculation for both the farm supply store and the outdoor display will be added together to ascertain what the minimum and maximum number of allowed parking stalls will be for the site.

In addition, the farm supply store will be required to provide bicycle parking for one (1) stall for every 6,000 square feet of GFA. There is no bicycle parking requirements for the outdoor display of merchandise for sale. All parking requirements for the development of the subject properties will be verified during the plan review process for a building permit.

The City of Las Cruces Design Standards requires that all new construction in the proposed zoning district 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 plan for the proposed development will be required and verified during the plan review process for a building permit.

The subject properties are located on the corner of Valley Drive and Picacho Avenue. The Metropolitan Planning Organization (MPO) has classified both Valley Drive and Picacho Avenue as Principal Arterial roadways. The roadways are dedicated to the New Mexico Department of Transportation (NMDOT) as they are both identified as State highways; Valley Drive is New Mexico Highway 185 and Picacho Avenue is New Mexico Highway 70.

Presently, each roadway contains multiple driveway access points. As part of the redevelopment of the properties, the applicant is proposing to have one access point to Valley Drive and two access points to Picacho Avenue. Access to Picacho Avenue will be restricted to a right-turn only. A bus stop is located on Picacho Avenue approximately 150-feet west of the intersection of Picacho Avenue and Valley Drive. The northern boundary of the subject properties contains the Mayfield Lateral, which is owned by Elephant Butte Irrigation District (EBID) and is also identified on the MPO trail system. EBID reviewed the zone change request and had no objections provided that the development plans, i.e., the replat and the site layout for the building permit, shows the Mayfield Lateral with the existing 30-foot of right-of-way. These comments can be mitigated through both the replat process as well as the plan review process for the building permit.

A Traffic Impact Analysis (TIA) was not requested by City Traffic Engineering or NMDOT for the proposed farm supply store. NMDOT did review the zone change request and conditionally approved the review. NMDOT commented that the development will be required to obtain an access permit from NMDOT prior to the commencement of construction. The City's Traffic Engineer also reviewed the zone change request and approved the review. The City's Traffic Engineer is in consultation with NMDOT and stated that the access points will be restricted to "right in, right out" movements.

The City of Las Cruces Utilities Department has reviewed and conditionally approved the zone change request for the development of farm supply store. All utility connections and extensions will be coordinated with the appropriate service providers. The Utilities Department staff did note that there are outstanding issues regarding water rights on the subject property. These issues must be resolved prior to the issuance of a building permit. Utilities will be provided as follows:

Electric:	El Paso Electric
Gas:	City of Las Cruces
Water:	City of Las Cruces
Sewer:	City of Las Cruces

The Las Cruces Fire Department also reviewed and approved the zone change request. Review comments from Fire Department staff are in regards to site design for fire apparatus accessibility as well as the proposed locations of fire hydrants. These comments can be mitigated in the plan review process for the building permit.

The Engineering Services section of the Public Works Department also reviewed and conditionally approved the zone change request. The subject property is presently not located within any flood zone. However, Public Works staff has advised the applicant that a portion of the subject property is located in a **proposed** flood zone per the **proposed digital flood insurance rate maps (DFIRMs)**. Any development of the subject property after the official adoption of the proposed DFIRMs will be subject to Federal, State, and local regulations for floodplain management, i.e., the Federal Emergency Management Agency's (FEMA) letter of map change process. It is not known when FEMA may adopt the proposed DFIRMs.

The proposed zone change is supported by the 1999 Comprehensive Plan as presented in Exhibit "B". The proposal is a conversion from C-2 to C-3 for the sole purpose to comply with the 2001 Zoning Code as it pertains to minimum/maximum lot/parcel/tract area for the C-2 and C-3 zoning district. The proposed zone change is located at the intersection of two principal arterials, which are also NMDOT highways. The transportation system is adequate to support a high intensity use.

On August 24, 2010, the Planning and Zoning Commission (P&Z) recommended conditional approval for the zone change by a vote of 4-0-0 (two Commissioners absent, one Commissioner vacancy). No public comment took place during P&Z. The conditions attached to this zone change are as follows:

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this affirms the Planning and Zoning Commission recommendation for approval. The subject properties located at 1402, 1440, 1480 W. Picacho Avenue and 907 N. Valley Drive will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four (4) distinct properties having a combined area of 2.84 +/- acres. The zone change will facilitate zoning compliance with the 2001 Zoning Code, as amended.
2. Vote "No"; this 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 properties located at 1402, 1440, 1480 W. Picacho Avenue and 907 N. Valley Drive.
3. Vote to "Amend" and vote "Yes"; this may allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; Council may table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

COUNCIL BILL NO. 11-011
ORDINANCE NO. 2591

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR FOUR (4) DISTINCT PROPERTIES LOCATED AT 1402, 1440, 1480 W. PICACHO AVENUE & 907 N. VALLEY DRIVE. THE FOUR (4) PROPERTIES HAVE A COMBINED AREA OF 2.84 +/- ACRES AND WILL BE REPLATTED INTO ONE (1) PARCEL THAT WILL BE DEVELOPED TO FACILITATE THE USE OF A FARMING SUPPLY STORE. THE ZONE CHANGE REQUEST WILL FACILITATE ZONING COMPLIANCE FOR THE NEW PARCEL WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY SEAN P. MCMULLAN ON BEHALF OF JOHN & ELIZABETH W. MCMULLAN, TR ET AL, PROPERTY OWNERS (Z2815).

The City Council is informed that:

WHEREAS, John & Elizabeth W. McMullan, Tr Et al, the property owners, have submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four (4) distinct properties located at 1402, 1440, 1480 W. Picacho Avenue and 907 N. Valley Drive; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 24, 2010, recommended that said zone change request be approved conditionally by a vote of 4-0-0 (two Commissioners 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 four (4) distinct properties located at 1402, 1440, 1480 W. Picacho Avenue and 907 N. Valley Drive.

(II)

THAT the conditions be stipulated as follows:

1. The four subject parcels shall be replatted into one parcel prior to the issuance of a Certificate of Occupancy for the farm supply store;

- 2. The Elephant Butte Irrigation District (EBID) shall be a reviewing entity for the building plans for the subject property in order to protect against any encroachment into the right-of-way for the Mayfield Lateral;
- 3. Prior to the issuance of a building permit, the applicant will be required to provide to the City of Las Cruces Community Development Department the approved access permit to Valley Drive and/or Picacho Avenue from the New Mexico Department of Transportation; and
- 4. Prior to the issuance of a building permit, the applicant will be required to resolve any outstanding water rights concerns with the City of Las Cruces Utilities Department.

(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:

VOTE:

City Clerk

Mayor Miyagishima: _____

Moved by: _____

Councillor Silva: _____

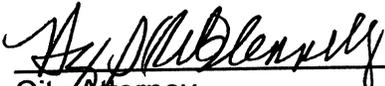
Seconded by: _____

Councillor Connor: _____

APPROVED AS TO FORM:

Councillor Pedroza: _____

Councillor Small: _____



City Attorney

Councillor Sorg: _____

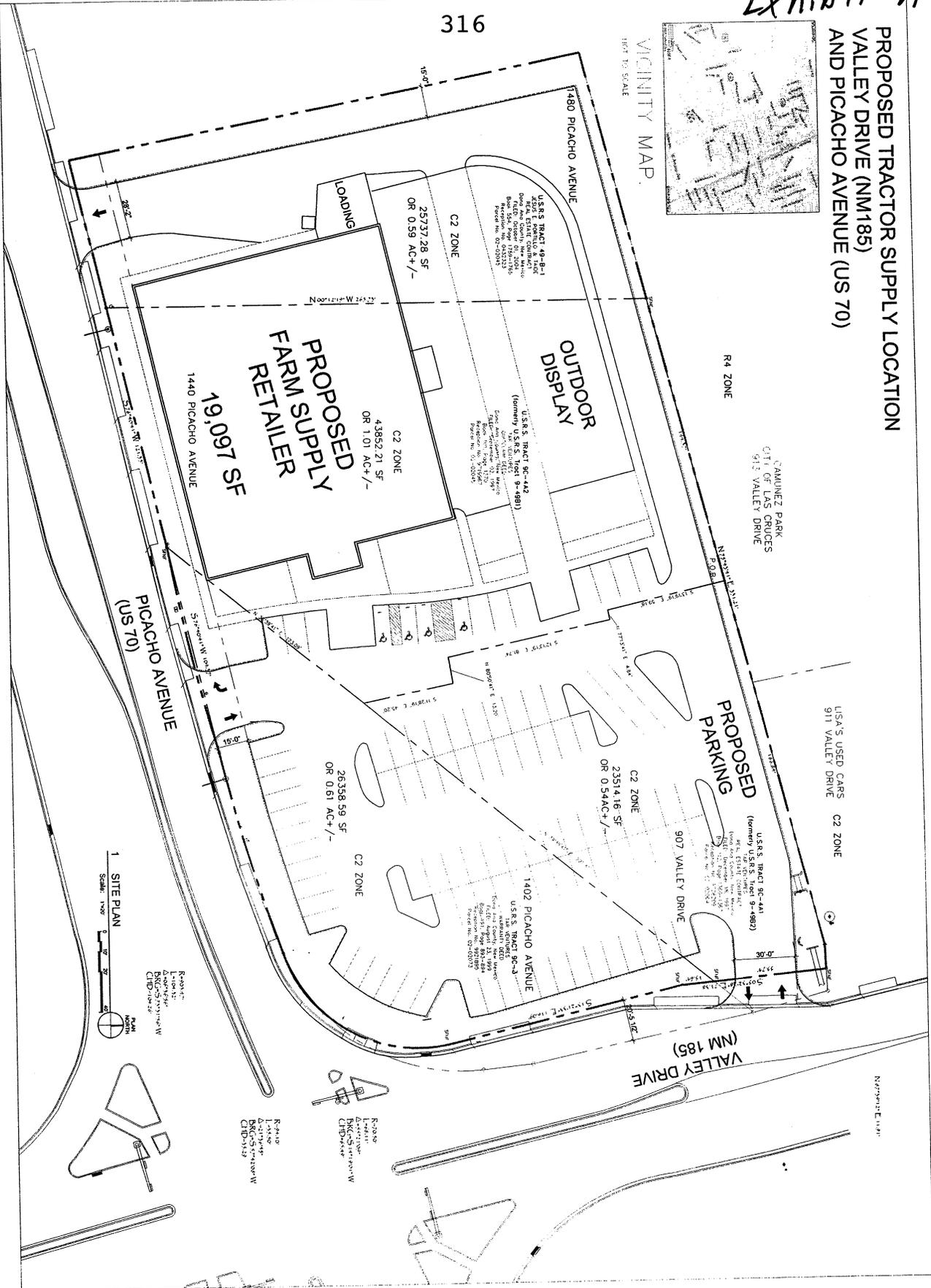
Councillor Thomas: _____

Exhibit "A"

**PROPOSED TRACTOR SUPPLY LOCATION
VALLEY DRIVE (NM185)
AND PICACHO AVENUE (US 70)**



VICINITY MAP
NOT TO SCALE



1 SITE PLAN
Scale: 1/8" = 1'-0"

DATE:	11/11/11	SCALE:	AS NOTED
SHEET:	AS1	PROJECT:	TRACTOR SUPPLY COMPANY VALLEY AND PICACHO LAS CRUCES, NEW MEXICO
PROJECT MANAGER:	Jonathan Stern, AIA	JOB NO.:	TSC
DESIGNER:	JS	DRAWN BY:	JS
SHEET TITLE: SITE PLAN			



MODULUS ARCHITECTS
2325 SAN PEDRO N.E. SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 338-1499 FAX (505) 338-1498
TOLL FREE 1-866-224-2161

REV	DATE	BY	REVISION
1			
2			
3			
4			
5			

Findings and Comprehensive Plan Analysis

1. The subject properties encompass 2.84 +/- acres and are located at 1402, 1440, 1480 W. Picacho Avenue & 907 N. Valley Drive.
2. Three parcels are currently vacant and are zoned C-2 (Commercial Medium Intensity). One parcel is presently developed as a used car sales lot and is zoned C-2 (Commercial Medium Intensity).
3. The maximum lot/parcel/tract area for the C-2 zoning district is one-acre. The minimum lot/parcel/tract area for the C-3 zoning district is 21,780 square feet and there is no maximum lot/parcel/tract area for the C-3 zoning district.
4. The subject property is located on the corner of Valley Drive (NM Highway 185) and Picacho Avenue (NM Highway 70), both classified as Principal Arterial roadways by the Metropolitan Planning Organization (MPO).
5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-3/C-2	Auto dealership/neighborhood park
South	C-2	Auto detail shop
East	ROW/C-2	Valley Drive/vacant land
West	C-2	Mobile home park

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.


City of Las Cruces®

TO: Planning and Zoning Commission

PREPARED BY: Cheryl Rodriguez, Development Services Administrator *CR*

DATE: August 24, 2010

SUBJECT: 907 N. Valley Drive/1402 W. Picacho/1440 W/ Picacho/
1480 W. Picacho (Zone Change)

RECOMMENDATION: Approval – with conditions

Case Z2815: A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four (4) distinct properties located at 1402, 1440, 1480 W. Picacho Avenue & 907 N. Valley Drive. The four (4) subject properties have a combined area of 2.84 +/- acres and will all be replatted into one (1) parcel that will be developed to facilitate the use of a farming supply store. The purpose of the zone change request is to facilitate zoning compliance with the 2001 Zoning Code, as amended. Submitted by Sean P. McMullan on behalf of John & Elizabeth W. McMullan, Tr Et al, property owners.

BACKGROUND

The applicant, Sean P. McMullan, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four parcels of land with a combined acreage of 2.84 ± acres located at 1402, 1440, 1480 W. Picacho Avenue & 907 N. Valley Drive. Three of the subject properties are currently vacant. The fourth subject property (1480 W. Picacho) is a car dealership. It is the applicant's intent to construct a 19,097 square foot farm supply store with an outdoor display of merchandise for sale. It is also the applicant's intent to replat the four parcels into one parcel.

The proposed use, a farm supply store with an outdoor display of merchandise for sale, is an allowed use in the C-2 zoning district. The maximum lot/parcel/tract area in the C-2 zoning district is one acre. Through the proposed replatting of land into one parcel, the combined acreage of 2.84 ± acres will exceed the maximum lot/parcel/tract area for the C-2 zoning district. The zone change to C-3 (Commercial High Intensity) will bring the subject properties into compliance with the 2001 Zoning Code, as amended in regards to lot/parcel/tract area. The proposed farm supply store with outdoor display of merchandise for sale will be required to meet the minimum development standards, including setbacks and building height, for the C-3 zoning district.

In regards to parking requirements for a proposed farm supply store with an outdoor display of merchandise for sale, the applicant will be required to comply with the parking requirements for (1) the farm supply store and (2) the outdoor display of merchandise for sale. The parking requirements for the farm supply will be 1 parking stall for every 250 to 350 square feet of gross floor area (GFA). The parking requirements for outdoor display of merchandise for sale will be 50 percent of the total GFA of the outdoor display; that new GFA will require 1 parking stall for every 250 to 350 square feet of GFA. The parking calculation for both the farm supply store and the outdoor display will be added together to ascertain what the minimum and maximum number of allowed parking stalls will be for the site.

In addition, the farm supply store will be required to provide bicycle parking for one stall for every 6,000 square feet of GFA. There are no bicycle parking requirements for the outdoor display of merchandise for sale. All parking requirements for the development of the subject properties will be verified during the plan review process for a building permit.

Section 38-22(D-2) of the 2001 Zoning Code, as amended, identifies the separation and landscaping requirements for proposed development to occur when the proposed use is located next to differing adjacent land uses/zones. The property immediately adjacent and north of the subject properties is zoned R-3 (Multi-Dwelling Medium Density) and C-2 (Commercial Medium Intensity). The applicant will be required to provide either (1) a buffer yard of 15-feet with a semi-opaque screen or (2) a buffer yard of 10-feet with an opaque screen. The property immediately adjacent and west of the subject properties is zoned C-2 (Commercial Medium Intensity), but contains a residential land use of a mobile home park. As such, the applicant will be required to provide either (1) a buffer yard of 15-feet with a semi-opaque screen or (2) a buffer yard of 10-feet with an opaque screen.

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 plan for the proposed development will be required and verified during the plan review process for a building permit.

The subject properties are located on the corner of Valley Drive and Picacho Avenue. The Metropolitan Planning Organization (MPO) has classified both Valley Drive and Picacho Avenue as Principal Arterial roadways. The roadways are dedicated to the New Mexico Department of Transportation (NMDOT) as they are both identified as State Highways; Valley Drive is New Mexico Highway 185 and Picacho Avenue is New Mexico Highway 70.

Presently, each roadway contains multiple driveway access points. As part of the redevelopment of the properties, the applicant is proposing to have one access point to Valley Drive and two access points to Picacho Avenue. Access to Picacho Avenue will be restricted to a right-turn only. A bus stop is located on Picacho Avenue approximately 150-feet west of the intersection of Picacho Avenue and Valley Drive. The northern boundary of the subject properties contains the Mayfield Lateral, which is owned by Elephant Butte Irrigation District (EBID) and is also identified on the MPO trail system. EBID reviewed the zone change request and had no objections provided that the development plans, i.e., the replat and the site layout for the building permit, shows the Mayfield Lateral with the existing 30-foot of right-of-way. These comments can be mitigated through both the replat process as well as the plan review process for the building permit.

A Traffic Impact Analysis (TIA) was not requested by City Traffic Engineering or NMDOT for the proposed farm supply store. NMDOT did review the zone change request and conditionally approved the review. NMDOT commented that the development will be required to obtain an access permit from NMDOT prior to the commencement of construction. The City's Traffic Engineer also reviewed the zone change request and approved the review. The City's Traffic Engineer is in consultation with NMDOT and stated that the access points will be restricted to "right in, right out" movements.

The City of Las Cruces Utilities Department has reviewed and conditionally approved the zone change request for the development of farm supply store. All utility connections and extensions will be coordinated with the appropriate service providers. The Utilities Department staff did note that there are outstanding issues regarding water rights on the subject property. These issues must be resolved prior to the issuance of a building permit. Utilities will be provided as follows:

Electric:	El Paso Electric
Gas:	City of Las Cruces
Water:	City of Las Cruces
Sewer:	City of Las Cruces

The Las Cruces Fire Department also reviewed and approved the zone change request. Review comments from Fire Department staff are in regards to site design for fire apparatus accessibility as well as the proposed locations of fire hydrants. These comments can be mitigated in the plan review process for the building permit.

The Engineering Services section of the Public Works Department also reviewed and conditionally approved the zone change request. The subject property is presently not located within any flood zone. However, Public Works staff has advised the applicant that a portion of the subject property is located in a **proposed** flood zone per the **proposed digital flood insurance rate maps (DFIRMs)**. Any development of the subject property after the official adoption of the proposed DFIRMs will be subject to Federal, State, and local regulations for floodplain management, i.e., the Federal

Emergency Management Agency's (FEMA) letter of map change process. It is not known when FEMA may adopt the proposed DFIRMs.

FINDINGS

1. The subject properties encompass 2.84 +/- acres and are located at 1402, 1440, 1480 W. Picacho Avenue & 907 N. Valley Drive.
2. Three parcels are currently vacant and are zoned C-2 (Commercial Medium Intensity). One parcel is presently developed as a used car sales lot and is zoned C-2 (Commercial Medium Intensity).
3. The maximum lot/parcel/tract area for the C-2 zoning district is one-acre. The minimum lot/parcel/tract area for the C-3 zoning district is 21,780 square feet and there is no maximum lot/parcel/tract area for the C-3 zoning district.
4. The subject property is located on the corner of Valley Drive (NM Highway 185) and Picacho Avenue (NM Highway 70), both classified as Principal Arterial roadways by the Metropolitan Planning Organization (MPO).
5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-3/C-2	Auto dealership/neighborhood park
South	C-2	Auto detail shop
East	ROW/C-2	Valley Drive/vacant land
West	C-2	Mobile home park

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.

RECOMMENDATION

The proposed zone change is supported by the 1999 Comprehensive Plan as presented in the preceding findings. The proposal is a conversion from C-2 to C-3 for the sole purpose to comply with the 2001 Zoning Code as it pertains to minimum/maximum lot/parcel/tract area for the C-2 and C-3 zoning district. The proposed zone change is located at the intersection of two principal arterials, which are also NMDOT highways. The transportation system is adequate to support a high intensity use.

In regards to the preliminary site plan, Community Development staff encouraged the applicant to reconsider the placement of both the building and display area. Community Development staff encouraged the placement of the building closer to the intersection of Valley Drive and Picacho Avenue to allow for more focus on the business and signage rather than to an improved parking lot. Staff encouraged the placement of the parking

to the northwestern portion of the subject property to help disguise the parking lot. Also, the placement of the building closer to the intersection provided a greater distance from the intersection to the nearest curb cut.

The applicant did take the comments by Community Development staff under advisement; however, did not feel that the retailer could accommodate the suggestions by Community Development staff. It is important to the note that the preliminary site design provided by the applicant does meet the minimum development standards as identified in the City's Development Codes.

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

1. The four subject parcels shall be replatted into one parcel prior to the issuance of a Certificate of Occupancy for the farm supply store;
2. The Elephant Butte Irrigation District (EBID) shall be a reviewing entity for the building plans for the subject property in order to protect against any encroachment into the right-of-way for the Mayfield Lateral;
3. Prior to the issuance of a building permit, the applicant will be required to provide to the City of Las Cruces Community Development Department the approved access permit to Valley Drive and/or Picacho Avenue from the New Mexico Department of Transportation; and
4. Prior to the issuance of a building permit, the applicant will be required to resolve any outstanding water rights concerns with the City of Las Cruces Utilities Department.

OPTIONS

1. Approve the zone change request with conditions as recommended by City staff.
2. Approve the zone change request with additional conditions.
3. Deny the zone change request.

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

ATTACHMENTS

1. Development Statement
2. Site plan
3. Aerial Map
4. Vicinity Map

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: Sean Mc Mullay
Contact Person: "
Contact Phone Number: (505) 259-6223
Contact e-mail Address: sean@mcullanrealstate.com
Web site address (if applicable): _____

Proposal Information

Location of Subject Property NWC of N. Valley + 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: 2.84 acres

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

Tractor Supply Co.

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

19,097 sqft. + outdoor retail area

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

8 a.m. - 9 p.m.

Anticipated traffic generation unknown trips per day (if known).

Anticipated development schedule: Work will commence on or about 11/15/10
and will take approximately 6 months to complete.

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

yes.

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:

Attachments

Please attach the following: (* indicates optional item)

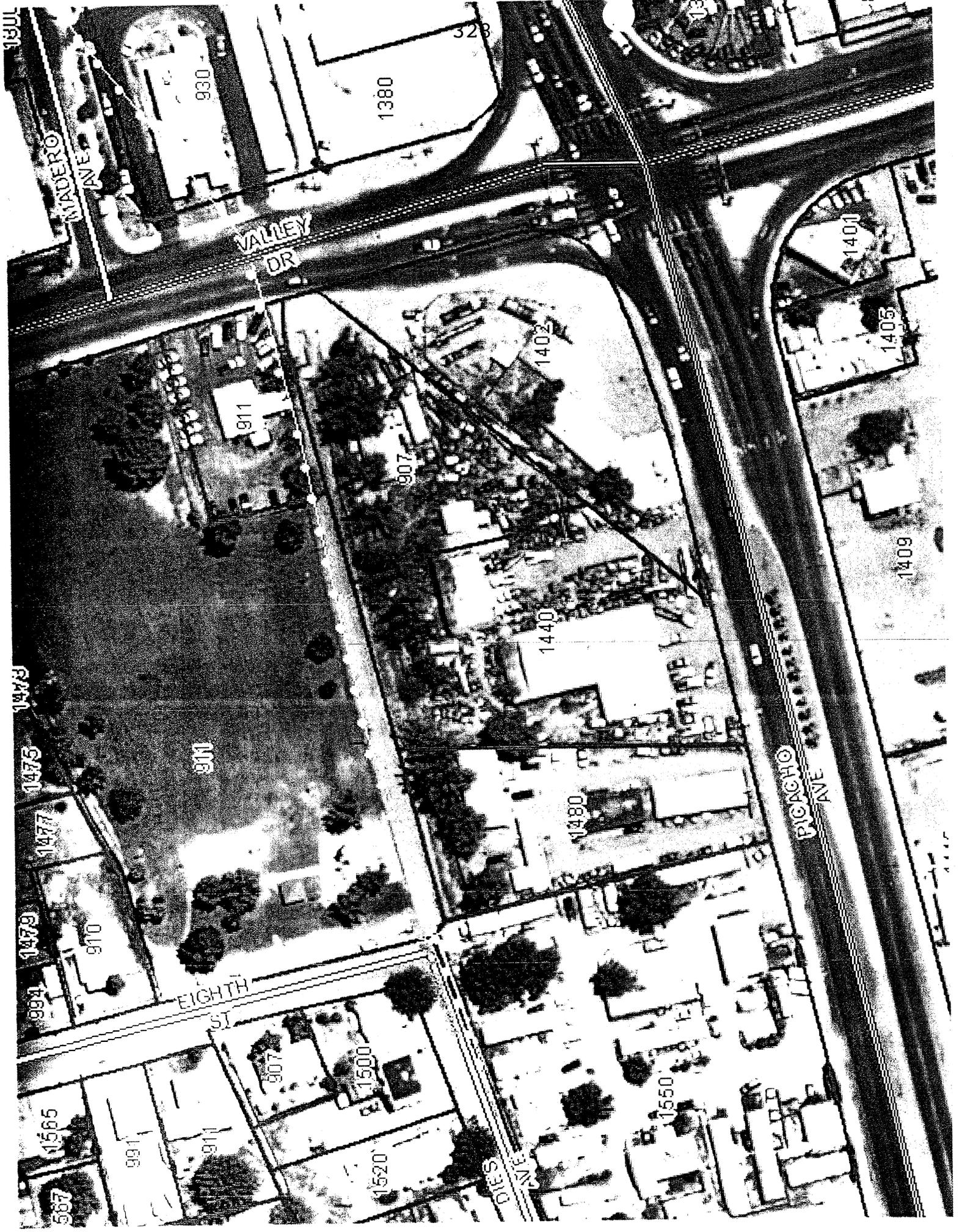
Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*



1301

MADERO AVE

930

1380

328

VALLEY DR

901

911

907

1402

1440

1480

1401

1405

1409

1473

1475

1477

1479

910

EIGHTH ST

907

1500

1520

OLES AVE

1550

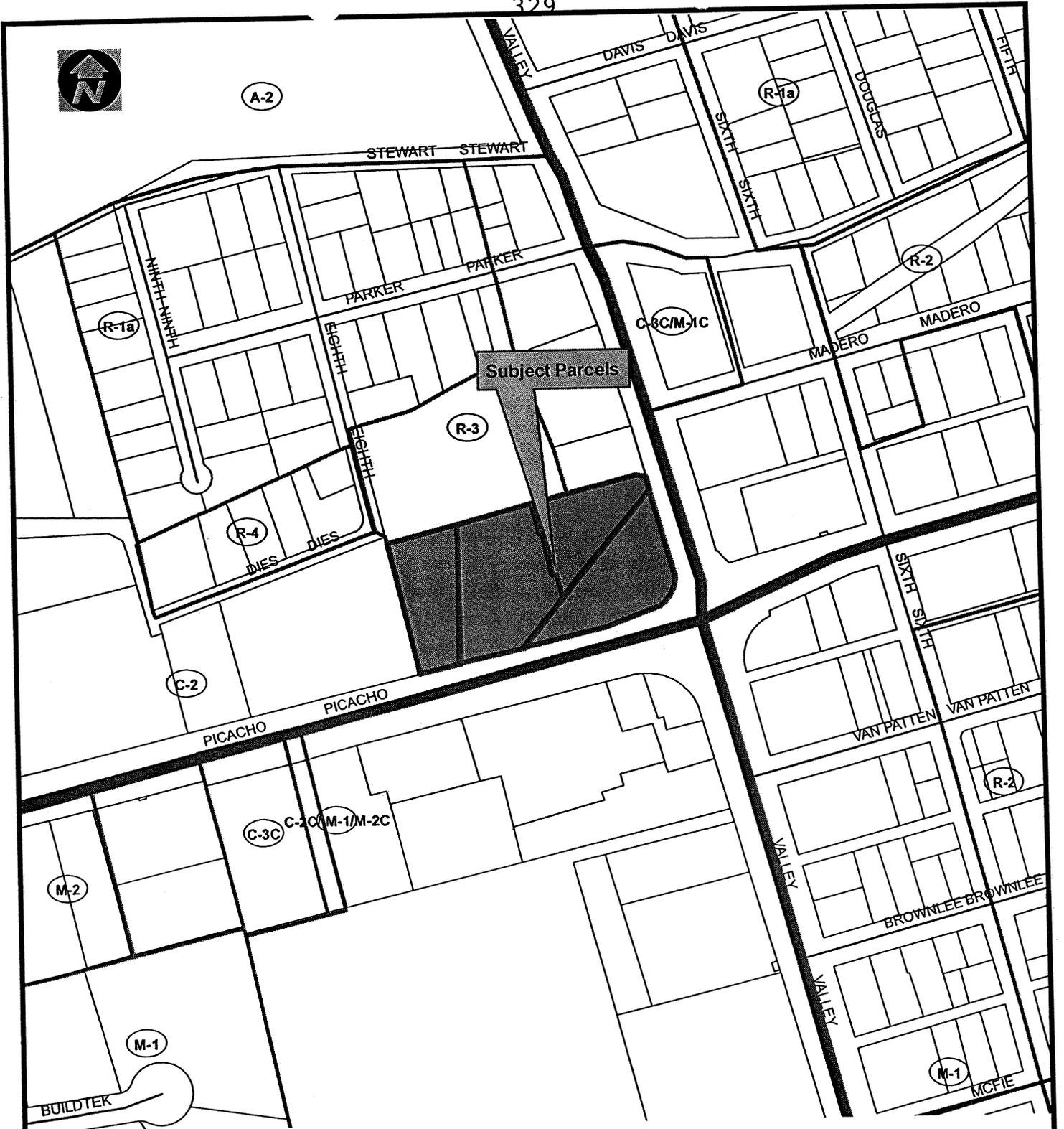
PICACHO AVE

1565

991

911

567



VICINITY MAP

CASE NO. Z2815

PARCEL: 02-02045, 02-02058, 02-02064, 02-02073

OWNER: JOHN MCMULLAN & ELIZABETH W. TR ETAL

ADDRESS: 1402, 1440, 1480 W. PICACHO & 907 N. VALLEY

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 **MEETING OF PLANNING AND ZONING COMMISSION**
 2 **FOR THE**
 3 **CITY OF LAS CRUCES**
 4 **Dona Ana County Commission Chambers**
 5 **845 N. Motel Blvd, Las Cruces, NM**
 6 **August 24, 2010 at 6:00 p.m.**

7
 8 **BOARD MEMBERS PRESENT:**

9 Charles Scholz, Chairman
 10 Godfrey Crane, Vice Chair
 11 Charles Beard, Secretary
 12 Donald Bustos, Member

13
 14 **BOARD MEMBERS ABSENT:**

15 Shawn Evans, Member
 16 Ray Shipley, Member

17
 18 **STAFF PRESENT:**

19 Cheryl Rodriguez, Development Services Director
 20 Adam Ochoa, Associate Planner
 21 Tom Murphy, MPO Officer
 22 Andrew Hume, Planner
 23 Robert Gonzales, Las Cruces Fire.
 24 Harry Connelly, CLC Legal Staff
 25 Becky Eich, Recording Secretary

26
 27 **I. CALL TO ORDER 6:00**

28
 29 Scholz: Good evening, and welcome to the Planning and Zoning Commission for
 30 Tuesday, August 24th, 2010. I'm Charlie Scholz, the Chair of the
 31 Commission. I want to remind people who are viewing this at home that
 32 this is a taped delay; it's not a live broadcast. So if you're seeing this
 33 we're not actually here. Well we're here but we're not actually here. Not
 34 at this time, anyway through the wonders of mass media.

35
 36 Crane: It's a virtual meeting.

37
 38 Scholz: It's a virtual meeting. Yes. Before we begin, I want to introduce the other
 39 members of the Commission. On my far right is Commissioner Crane, he
 40 represents Council District 4. Next to him is Commissioner Bustos,
 41 representing Council District 3, Next to him is Commissioner Beard,
 42 representing Council District 2. And I represent Council District 6.

43
 44 **II. APPROVAL OF MINUTES - July 27, 2010**
 45

- 1 Scholz: The first order of business is the approval of the minutes of July 27th,
2 2010. Any additions or corrections to the minutes gentlemen?
3
- 4 Crane: Mr. Chairman.
5
- 6 Scholz: Commissioner Crane.
7
- 8 Crane: Page 8, line 28.
9
- 10 Scholz: Okay.
11
- 12 Crane: What I said was call the question; the way it is written doesn't make a lot
13 of sense.
14
- 15 Scholz: All right. Anything else? I have two minor corrections; on page 1, line 33,
16 it should say that "I represent Council District 6", and it has my name
17 instead. And page 2, line 4, it is "should" rather than "shoulder". All right,
18 any other additions or corrections? Okay, I'll entertain a motion to
19 approve.
20
- 21 Crane: So moved.
22
- 23 Scholz: Is there a second?
24
- 25 Bustos: Second.
26
- 27 Scholz: Okay, all those in favor say aye.
28
- 29 **ALL COMMISSIONERS - AYE.**
30
- 31 Scholz: Those opposed same sign. The motion is carried. All right, the minutes
32 are approved.
33
- 34 **III. POSTPONEMENTS - None**
35
- 36 Scholz: Any postponements Mr. Ochoa?
37
- 38 Ochoa: No sir, not tonight.
39
- 40 **IV. WITHDRAWALS - None**
41
- 42 Scholz: And no withdrawals either?
43
- 44 Ochoa: No, sir.
45
- 46 **V. CONSENT AGENDA - None**

1
2 Scholz: And nothing on the consent agenda.

3
4 Ochoa: Not tonight, no.

5
6 Scholz: We might have a fast meeting, who knows.

7
8 **VI. OLD BUSINESS - NONE**

9
10 Scholz: And no old business.

11
12 **VII. NEW BUSINESS**

13
14 *Start* 1. **Case Z2815:** A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four distinct properties located at 1402, 1440, 1480 W. Picacho Avenue and 907 N. Valley Drive. The four subject properties have a combined area of 2.84 +/- acres and will all be replated into one parcel that will be developed to facilitate the use of a farming supply store. The purpose of the zone change request is to facilitate zoning compliance with the 2001 Zoning Code, as amended. Submitted by Sean P. McMullan on behalf of John and Elizabeth W. McMullan, TR ET al, property owners.

23
24 Scholz: Okay, our first order of new business then is Case Z2815, a request for zone change. And Mr. Ochoa I think you're up.

25
26
27 Ochoa: Good evening gentlemen. Adam Ochoa for Development Services for the record. First case tonight is Z2815, it is a request for a zone change from C-2 commercial medium intensity to C-3C commercial high intensity conditional for four distinct properties located at 1402, 1440, and 1480 W. Picacho Avenue, and 907 N. Valley Drive.

28
29
30
31
32 Here's a vicinity map of the subject properties. As you can see, these four highlighted in I guess the purplish pink on the northwest corner of Picacho and Valley Drive. Tonight gentlemen the applicant is requesting a zone change from C-2 to C-3C for the four parcels of land that have a combined acreage of approximately 2.84 acres. Three of the subject properties are currently vacant, while the fourth subject property, 1480 W. Picacho is a used car dealership. It is the applicant's intent to construct a 19,097 square foot farm supply store with an outdoor display of merchandise for sale.

33
34
35
36
37
38
39
40
41 It is also the applicant's intent to replat the four parcels into one parcel. The proposed replatting of the land into one parcel exceed the maximum lot size for the C-2 zoning district which is what we're here for tonight, the zone change to C-3 commercial high intensity will bring the subject property into compliance with the 2001 Zoning Code, as amended regarding the lot size, of course. The proposed new development will be

1 required to meet all development standards for the C3 zoning district. All
 2 parking requirements for the development of the subject properties will be
 3 verified during a plan review process for a building permit. All landscaping
 4 and buffering will also be verified at the actual plan review process for a
 5 building permit as well. As part of the redevelopment of the properties, the
 6 applicant is proposing to have one access point to Valley Drive and two
 7 access points to Picacho Avenue. The two on Picacho will be restricted to
 8 right turns only. The northern boundary of the subject property contains
 9 the Mayfield Lateral which is owned by the Elephant Butte Irrigation
 10 District, or EBID. EBID has no objections to the development provided
 11 that the development plans for the building permit showing the Mayfield
 12 Lateral with the existing 30-feet of right-of-way that belongs to EBID.

13 The City of Las Cruces utility department staff did also note that
 14 there were outstanding issues regarding water rights on the subject
 15 property. These issues must be resolved prior to the issuance of a
 16 building permit. The subject property is presently not located within any
 17 flood zones; however the City of Las Cruces public works staff has
 18 advised the applicant that a portion of the subject property is located in the
 19 proposed flood zone per the proposed Digital Flood Insurance Rate Maps,
 20 or the DFIRMS. Any development of the subject property after the official
 21 adoption of the proposed DFIRMS will be subject to federal, state, and
 22 local regulations for flood plain management, i.e. the Federal Emergency
 23 Management Agencies, or FEMA, letter of map change process. It is not
 24 known when FEMA made the proposed DFIRMS.

25 Part in the site plan being I guess the wrong way. This is the
 26 clearest way you could read it.

27
 28 Scholz: Sideways, I think.

29
 30 Ochoa: Yes, sir. This is the clearest way I can get it up here so you all can read it.
 31 Here are the four subject properties here, here, here, and here, with the
 32 proposed development kind of being shown overlapping the four
 33 properties. Of course, this is what the proposed site will look like after the
 34 four subject properties are taken away and there will be now one new
 35 platted lot that will measure approximately 2.84 acres. Again showing
 36 landscaping around the outside perimeter with the actual store here and
 37 the outside display here with all parking in front, near the corner of Valley
 38 and Picacho.

39 Staff recommendation tonight, staff has reviewed the zone change
 40 and recommends approval with conditions based on the proceeding
 41 findings. The four conditions that staff is recommending tonight is the four
 42 subject parcels shall be replatted into one parcel prior to the issuance of a
 43 certificate of occupancy for the farm supply store. The Elephant Butte
 44 Irrigation District or EBID shall be a reviewing entity for the building plans
 45 for the subject property in order to protect against any encroachment into
 46 the right-of-way for the Mayfield Lateral; 3) prior to the issuance of a

1 building permit, the applicant will be required to provide to the City of Las
2 Cruces Community Development Department the approved access permit
3 to Valley Drive and/or Picacho Avenue from the New Mexico Department
4 of Transportation, and 4) prior to the issuance of a building permit, the
5 applicant will be required to resolve any outstanding water right concerns
6 with the City of Las Cruces utilities department. The recommendation of
7 the Planning and Zoning Commission tonight will be forwarded to City
8 Council for final consideration. With that gentlemen your options tonight
9 are 1) vote yes to approve the request as recommended by staff for Case
10 Z2815; 2) vote yes to approve the request with additional conditions as
11 deemed appropriate by the Commission; 3) to vote no, to deny the
12 request; and 4) to table and postpone and direct staff accordingly. That is
13 the end of my presentation. The applicant is here and they have a
14 presentation as well. And I stand for questions as well.

15
16 Scholz: All right. I forgot to explain earlier that our procedure is, is that the city
17 presents first, then the applicant presents, then we open to public
18 discussion; after we close public discussion the Commissioners talk about
19 it among themselves and then vote on it and that's the way it works. Any
20 questions for this gentleman? Commissioners? Okay, may we hear from
21 the applicant please?

22
23 McMullan: My name is Sean McMullan. I'm speaking on behalf of Three Amigos at
24 Picacho. Mr. Chairman, can I have your permission to speak to the
25 Commission please?

26
27 Scholz: Yes, go ahead.

28
29 McMullan: My presentation is pretty short and sweet and to the point. This is a
30 project overview, what a typical Tractor Supply looks like. It's
31 approximately 19,000 square foot building with 15,000 square foot outdoor
32 sales area. Adam already showed you the site plan, but here it is again.
33 Also in the site plan, I wanted to point out the area in yellow is the outdoor
34 sales area, and then also the sections in green and purple that are B and
35 C. There are permanent outdoor display areas as well that's used to
36 display you know various farm supply equipment such as gates or
37 lawnmowers, ATVs.

38 A little bit about Tractor Supply. Tractor Supply Company is the
39 largest retail farm and ranch store chain in the United States and they
40 operate over 900 stores in 44 states here in the United States. And they
41 employ more than 13,000 team members. They are a publically traded
42 company, traded on the NASDAQ exchange under the symbol TSCO.
43 Tractor Supply Stores are mostly located in outlying areas and suburbs of
44 major cities. Typical Tractor Supply Store such as the store that we are
45 bringing to your attention tonight is between 15,000 and 24,000 square
46 feet inside selling space, and they have a similar amount of outdoor selling

1 space as well. Tractor Supply Company was founded in 1938 as a mail
2 order catalogue, and today they are a leading edge retailer with revenues
3 surpassing \$3 billion. And if guys want to see any more information on
4 Tractor Supply I encourage you to visit their website which is listed there,
5 tractorsupply.com. It's a very interesting site. They have a really diverse
6 product and I think it'd be a good store for Las Cruces.

7 Benefits to the city, we feel that this development would be a huge
8 step in the redevelopment of the Picacho Corridor. And each store
9 employs between 16-22 employees, bringing much needed jobs to the
10 local economy. Tractor Supply estimates that this store will do over \$3
11 million worth of business in the first year, which would translate into
12 approximately more than \$200,000 in sales tax for the city. And the
13 development of this property would increase the ad valorem tax. The
14 improvement of this property would increase the ad valorem taxes by
15 about \$20,000 a year and also create approximately, probably more than
16 110 construction jobs during construction. That is about it of my
17 presentation. I appreciate you guys.

18
19 Scholz: All right, any questions for this gentleman? No. Okay, thank you very
20 much. Anyone from the public wish to comment on this? All right, hearing
21 no comment, I'll close it to public discussion. Gentlemen, what's your
22 pleasure?
23

24 Crane: I suggest we call the question.
25

26 Scholz: All right. I'll entertain a motion to approve.
27

28 Beard: I move to approve Case Z2815 with the conditions as recommended by
29 city staff.
30

31 Scholz: Okay and it's usually our custom to read the conditions, so Commissioner
32 Beard, go ahead.
33

34 Beard: The four subject parcels shall be replatted into one parcel prior to the
35 issuance of a certificate of occupancy for the farm supply store. 2) The
36 Elephant Butte Irrigation District shall be a reviewing entity for the building
37 plans for this subject property in order to protect against any
38 encroachment into the right-of-way for the Mayfield Lateral. 3) Prior to the
39 issuance of a building permit, the applicant will be required to provide to
40 the City of Las Cruces Community Development Department the approved
41 access permit to Valley Drive and/or Picacho Avenue from the New
42 Mexico Department of Transportation and; 4) prior to the issuance of a
43 building permit, the applicant will be required to resolve any outstanding
44 water right concerns with the City of Las Cruces utilities department.
45

46 Scholz: Okay, is there a second?

1
 2 Crane: Seconded.
 3
 4 Scholz: Okay, it's been moved and seconded. I'll call the roll. Commissioner
 5 Crane.
 6
 7 Crane: Aye findings, discussion, and site visit.
 8
 9 Scholz: Commissioner Bustos.
 10
 11 Bustos: Aye findings, discussion, and site visit.
 12
 13 Scholz: Commissioner Beard.
 14
 15 Beard: Aye findings, discussions, and site visit.
 16
 17 Scholz: And the Chair votes aye for findings, discussion, and site visit. So it's
 18 approved. Thank you gentlemen.

19 *End*

- 20 2. **Case SCA-10-01:** A request to amend various sections of Chapter 37 of the
 21 Las Cruces Municipal Code (Subdivision Code). The purpose of the
 22 amendment is to insert language regarding the provision of centralized mail
 23 delivery equipment for the United States Postal Service in single-family
 24 and/or commercial subdivisions. Submitted by the City of Las Cruces.

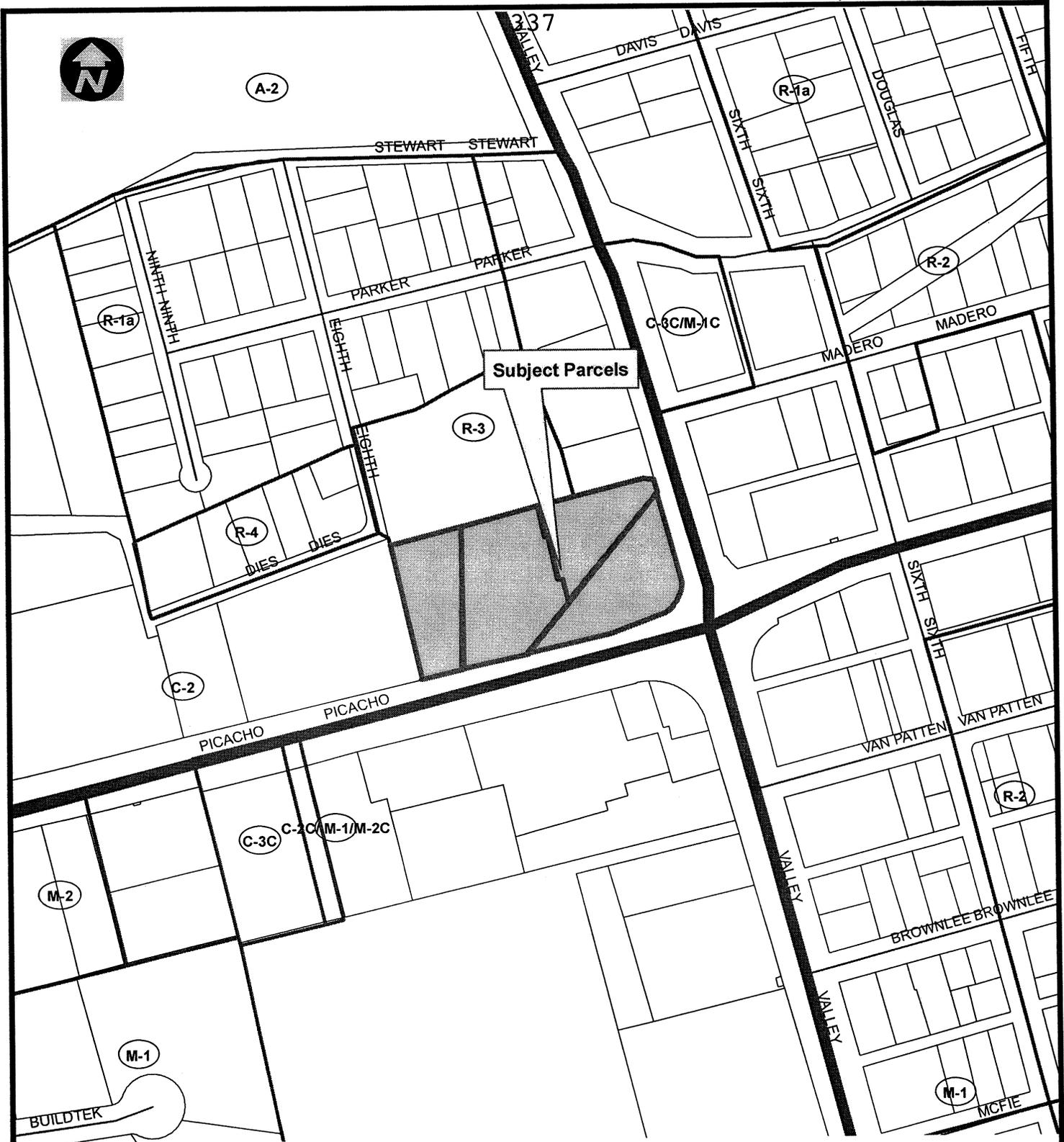
25
 26 Scholz: Okay, our next case is Case SCA-10-01, a request to amend various
 27 sections of Chapter 37 of the Subdivision Code. Ms. Rodriguez.

28
 29 Rodriguez: Mr. Chairman, Commissioners, I do not have a PowerPoint presentation
 30 for you this evening on the Subdivision Code amendment. I know.

31
 32 Scholz: And we were so looking forward to it.

33
 34 Rodriguez: I know. But we'll muster through it with my staff report, because basically I
 35 had no visuals to show you, just basically to articulate all the text
 36 requirements. Staff is proposing an amendment to the Subdivision Code
 37 to facilitate the requirements for cluster mailbox installations as stipulated
 38 by the United States Postal Service.

39 Some background information, in August 2006 U.S. Postal Service
 40 did contact the city manager of the City of Las Cruces and provided him a
 41 letter stating that the U.S. Postal Service will no longer be installing the
 42 centralized mail delivery equipment for new residential and/or commercial
 43 developments. And that U.S. Postal Service at that time, in August 2006,
 44 stated that it would be the responsibility borne by the developer of such
 45 new developments. At that time we started working with developers
 46 regarding this per the direction of the city manager. And then in May



VICINITY MAP

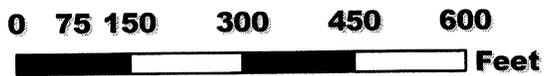
CASE NO. Z2815

PARCEL: 02-02045, 02-02058, 02-02064, 02-02073

OWNER: JOHN MCMULLAN & ELIZABETH W. TR ETAL

ADDRESS: 1402, 1440, 1480 W. PICACHO & 907 N. VALLEY

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