City of Las Cruces®
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Council Action and Executive Summary

Item # 18 Ordinance/Resolution# 2601 Council District: 4

For Meeting of February 7, 2011
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 1.83 ± ACRES OF LAND LOCATED AT 421 AVENIDA DE MESILLA. THE PROPOSED ZONE CHANGE BRINGS THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY JUSTIN ESTES ON BEHALF OF LARRY GUADERRAMA, PROPERTY OWNER (Z2817).

PURPOSE(S) OF ACTION: Zone change request from C-2 to C-3C for property located at 421 Avenida de Mesilla for the purpose of bringing the property into compliance with the 2001 Zoning Code, as amended.

Name of Drafter: Adam Ochoa		**Department:** Community Development		**Phone:** 528-3204	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director	CR for DW	528-3066	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The property owner, Larry Guaderrama, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) for property consisting of 1.83 ± acres located at 421 Avenida de Mesilla for the purposes of bringing the property into zoning compliance.

The subject property is located on the southeast corner of Avenida de Mesilla and Valley Drive. The Metropolitan Planning Organization (MPO) has classified both Avenida de Mesilla and Valley Drive as Principal Arterial roadways. The subject property has access to Avenida de Mesilla with three (3) ingress/egress locations located along the northern property line of the subject property. The subject property has no direct access to Valley Drive. A bus stop (sign only) is located directly in front of the subject property on Avenida de Mesilla. There are no trails present within the general area

The subject property contains an existing shopping/business center that consists of three (3) buildings with a combined gross floor area (GFA) of 22,148 square feet. The building on the northeast corner of the subject property is currently straddling an underlying property line. The applicant will be required to replat the subject property to vacate the existing underlying

property line that runs through the building located at the northwest corner of the subject property.

The 2001 Zoning Code, as amended, requires shopping/business centers with 15,000 square feet or more of GFA to provide one (1) parking stall per 250-350 square feet of GFA. The site is required to have 63 to 88 parking spaces which includes six (6) of the parking stalls will be required to be Americans with Disability Act (ADA) compliant. A shopping/business center is also required to provide bicycle parking spaces depending on the land use in operation on the property. Presently, the site is not in compliance with both the parking requirements and bicycle parking requirements. The site will be required to come into compliance whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on the property is initiated.

The site is also not in compliance with the landscaping requirements of both the 2001 Zoning Code, as amended, and the CLC Design Standards. A minimum area equal to 15 percent of the total parking area is required to be landscaped. When there is an addition or structural modification exceeding $25,000 in value, the subject property must come into compliance for the purposes of landscaping.

The 2001 Zoning Code, as amended, identifies separation requirements for all forms of development when a proposed use is located adjacent to differing land uses/zones. The subject property is bordered to the east by properties zoned R-1a (Single-Family Medium Density). As such, the site is required to provide either a 10-foot opaque or a 15-foot semi-opaque bufferyard between the subject property and the adjacent R-1a zoned properties. Presently, no such bufferyard exists on the subject property. The subject property is also bordered by property zoned C-2 (Commercial Medium Intensity) to the south. The regular required setbacks is all that is required for the subject property from this boundary and additional buffering (screening) is not required. The property is also bordered to the north and west by two (2) major thoroughfares (Avenida de Mesilla and Valley Drive). No additional screening is required along these property lines. To comply with the bufferyard requirements any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on the property is initiated, the entire subject property will have to come into compliance for the bufferyard requirements.

The proposed zone change is supported by several Land Use Elements found in the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone change is located at the intersection of two Principal Arterial roadways 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 facilitates compliance with the 2001 Zoning Code, as amended, for the acreage requirement only for the C-3 zoning district..

On December 28, 2010, the Planning and Zoning Commission (P&Z) recommended conditional approval with two conditions for the proposed zone change with a vote of 4-0-0 (three Commissioners absent). There was no public input at the public hearing. The conditions are stipulated as follows:

- The applicant (property owner) will be required to replat the property and dissolve any underlying lot lines with the development of the subject property meets one or more of the conditions as identified in Section 38-73 (B)4(a-j) of the 2001 Zoning Code, as amended; and
- Whenever any additions or structural modifications are done to any of the existing buildings on the subject property with a value of $25,000 or greater, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, as it pertains to landscaping and buffering as well as comply with the outdoor lighting requirements.

SUPPORT INFORMATION:

1. Ordinance
2. Exhibit "A"- Proposed Zoning Map
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2817
5. Attachment "B"- Draft minutes from the December 28, 2010 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
N/A	Yes	☐	Funds will be deposited into this fund: _____
	No	☐	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this affirms the Planning and Zoning Commission recommendation for approval. The subject property located 421 Avenida de Mesilla with a combined area of 1.83 +/- acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional). 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 property located at 421 Avenida de Mesilla.

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. Ordinance No. 1356

COUNCIL BILL NO. 11-021
ORDINANCE NO. 2601

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 1.83 ± ACRES OF LAND LOCATED AT 421 AVENIDA DE MESILLA. THE PROPOSED ZONE CHANGE BRINGS THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY JUSTIN ESTES ON BEHALF OF LARRY GUADERRAMA, PROPERTY OWNER (Z2817).

The City Council is informed that:

WHEREAS, Larry Guaderrama, 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 421 Avenida de Mesilla; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on December 28, 2010, recommended that said zone change request be approved conditionally by a vote of 4-0-0 (three 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 property located at 421 Avenida de Mesilla.

(II)

THAT the conditions be stipulated as follows:

- The applicant (property owner) will be required to replat the property and dissolve any underlying lot lines with the development of the subject property meets one or more of the conditions as identified in Section 38-73 (B)4(a-j) of the 2001 Zoning Code, as amended; and
- Whenever any additions or structural modifications are done to any of the existing buildings on the subject property with a value of $25,000 or greater, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, as it pertains to landscaping and buffering as well as comply with the outdoor lighting requirements.

(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 _____ 2011.

APPROVED:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

Moved by: _____

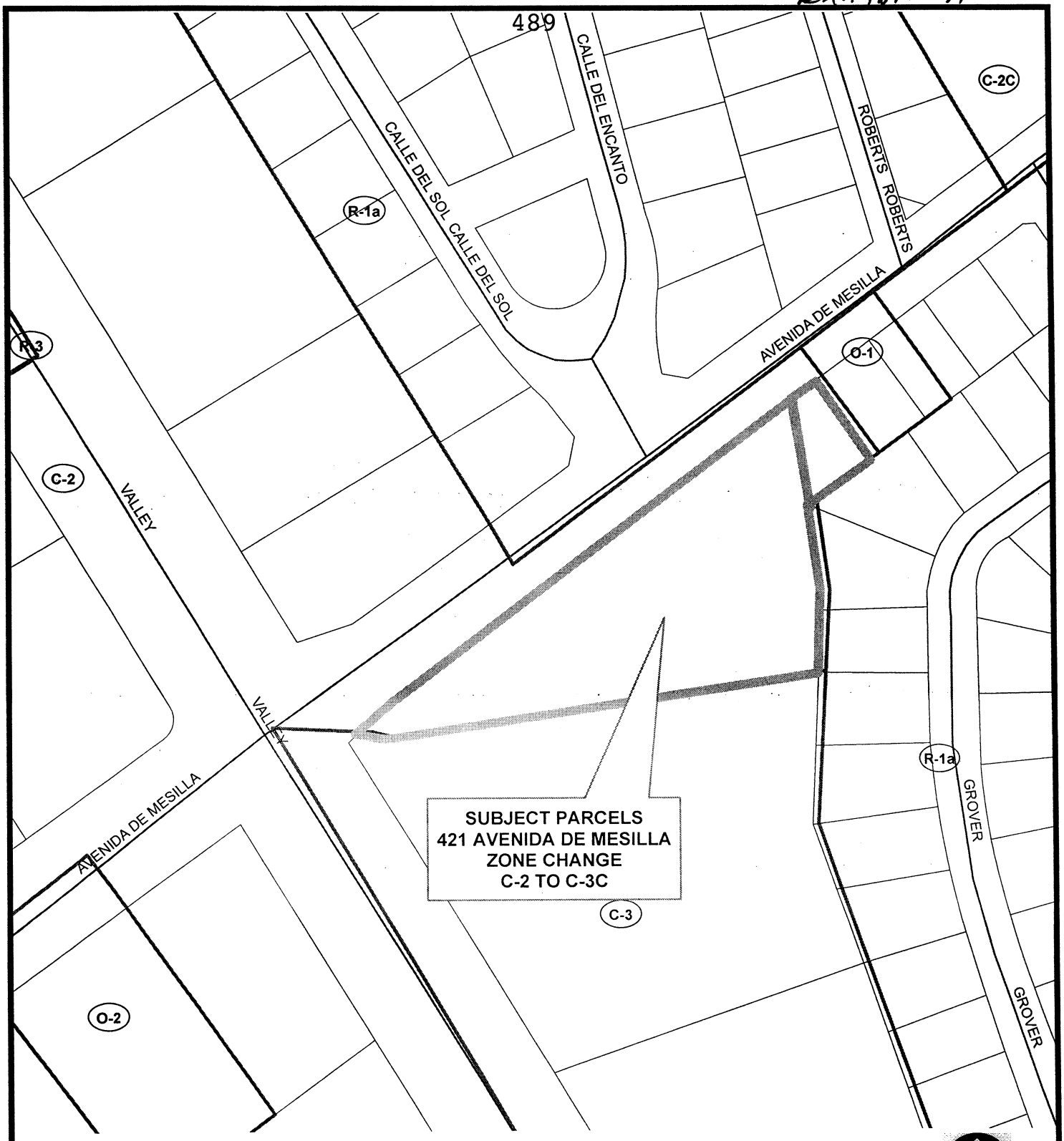
Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Connor: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

Exhibit "A"



ZONING MAP

CASE NO. Z2817
PARCEL: 02-07028 & 02-18007
OWNER: YOLANDA GUADERRAMA CORP
ADDRESS: 421 AVENIDA DE MESILLA
ZONING: C-2 TO C-3C

0 50 100 200 300 400 Feet

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.

Exhibit "B"

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 1.83 +/- acres and is located at 421 Avenida de Mesilla.

2. The subject property is currently zoned C-2 (Commercial Medium Intensity).

3. The subject property currently contains a shopping/business center that consists of three (3) different buildings with a combined gross floor area (GFA) of 22,148 square feet.

4. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) will bring the subject property into compliance with the 2001 Zoning Code, as amended, with the acreage requirement only.

5. The subject property has frontage along Avenida de Mesilla and Valley Drive, two (2) existing Principal Arterial roadways as classified by the Metropolitan Planning Organization (MPO).

6. Adjacent land use and zoning include:

	Zoning	Land Use
North	R-1a/C-2	Single-Family Residential/Commercial
South	C-2	Vacant
East	O-1/R-1a	Office/Single-Family Residential
West	C-2	Commercial

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.

Attachment "A"

City of Las Cruces®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Planner AO

DATE: December 14, 2010

SUBJECT: 421 Avenida de Mesilla (Zone Change)

RECOMMENDATION: Approval – with conditions (Case Z2817)

Case Z2817: A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 1.83 ± acres located at 421 Avenida de Mesilla. The purpose of the zone change is to bring the subject property into compliance with the 2001 Zoning Code, as amended. Submitted by Justin Estes on behalf of Larry Guaderrama, property owner.

BACKGROUND

The property owner, Larry Guaderrama, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) for property consisting of 1.83 +/- acres in size located at 421 Avenida de Mesilla. The zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended, with the acreage requirement only. There are outstanding issues with the site in its entirety as it pertains to parking, buffering, and landscaping.

Currently the subject property contains a shopping/business center that consists of three (3) different buildings with a combined gross floor area (GFA) of 22,148 square feet. The building on the north-east corner of the subject property is currently straddling an underlying property line. The applicant will be required to replat the subject property to vacate the existing underlying property line that runs through the building located at the north-west corner of the subject property.

The subject property is located on the south-east corner of Avenida de Mesilla and Valley Drive. The Metropolitan Planning Organization (MPO) has classified both Avenida de Mesilla and Valley Drive as existing Principal Arterial roadways. The subject property has access to Avenida de Mesilla with three (3) ingress and egress locations all located along the northern property line of the subject property. A bus stop (sign only) is located directly in front of the subject property on Avenida de Mesilla. There are no trails present within the general area.

PARKING

The subject property currently contains 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 with 15,000 square feet or more of gross floor area (GFA) to provide one (1) parking stall per 250-350 square feet of GFA. Therefore, based on the GFA of the existing buildings a range of 63 to 88 parking spaces are required for the entire subject property; six (6) of the parking stalls will be required to be Americans with Disability Act (ADA) compliant. A shopping/business center is also required to provide bicycle parking spaces depending on the land use in operation on the property. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on the property is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate parking; this includes the entire shopping/business center.

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. No improvements have been done, to date, to the subject property that exceeds $25,000. When there is an addition or structural modification exceeding $25,000, the subject property must come into compliance with landscaping.

The subject property is bordered to the east by properties zoned R-1a (Single-Family Medium Density). The proposed C-3C (Commercial High Intensity-Conditional) zoning designation of the subject property requires either a 10-foot opaque or a 15-foot semi-opaque buffer yard between the subject property and the adjacent R-1a zoned properties. Whenever any additions or structural modifications are done to any of the existing buildings on the subject property with a value of $25,000.00 or over, the entire subject property will have to provide the adequate buffering requirements of the 2001 Zoning Code, as amended. In addition, whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on the property is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering as well.

The subject property is also bordered by property zoned C-2 (Commercial Medium Intensity) to the south. The regular required setbacks is all that is required for the subject property from this boundary and additional buffering (screening) is not required. The property is also bordered to the north and west by two (2) major thoroughfares (Avenida de Mesilla and Valley Drive). No additional screening is required along these property lines.

FINDINGS

1. The subject property encompasses 1.83 +/- acres and is located at 421 Avenida de Mesilla.

2. The subject property is currently zoned C-2 (Commercial Medium Intensity).

3. The subject property currently contains a shopping/business center that consists of three (3) different buildings with a combined gross floor area (GFA) of 22,148 square feet.

4. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) will bring the subject property into compliance with the 2001 Zoning Code, as amended, with the acreage requirement only.

5. The subject property has frontage along Avenida de Mesilla and Valley Drive, two (2) existing Principal Arterial roadways as classified by the Metropolitan Planning Organization (MPO).

6. Adjacent land use and zoning include:

	Zoning	Land Use
North	R-1a/C-2	Single-Family Residential/Commercial
South	C-2	Vacant
East	O-1/R-1a	Office/Single-Family Residential
West	C-2	Commercial

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.

RECOMMENDATION

The proposed zone change is supported by several Land Use Elements found in the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone change is located at the intersection of two Principal Arterial roadways 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 also help bring the subject property into compliance with the 2001 Zoning Code, as amended, for the acreage requirement only.

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

- The applicant will be required to replat the property and dissolve any underlying lot lines when the development of the subject property meets one or more of the conditions as identified in Section 38-73 (B) 4 (a-j) of the 2001 Zoning Code, as amended.

- Whenever any additions or structural modifications are done to any of the existing buildings on the subject property with a value of $25,000.00 or over, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide landscaping, buffering, and meet outdoor lighting requirements.

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 Z2817.
2. Approve the request with additional conditions.
3. Deny the request.
4. Table/Postpone.

ATTACHMENTS

1. Development Statement
2. Aerial Map
3. 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: Larry Guaderrama

Contact Person: Justin Estes

Contact Phone Number: 575-532-9093

Contact e-mail Address: _____

Web site address (if applicable): _____

Proposal Information

Location of Subject Property 421 Aven. de la mesilla

(In addition to description, attach map. Map must be at least 8 ½" 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: 1.83

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

Gym, Special Events Center, studio

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

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

7am - 2am

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

Anticipated development schedule: Work will commence on or about N/A

and will take approximately N/A to complete.

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

N/A

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*

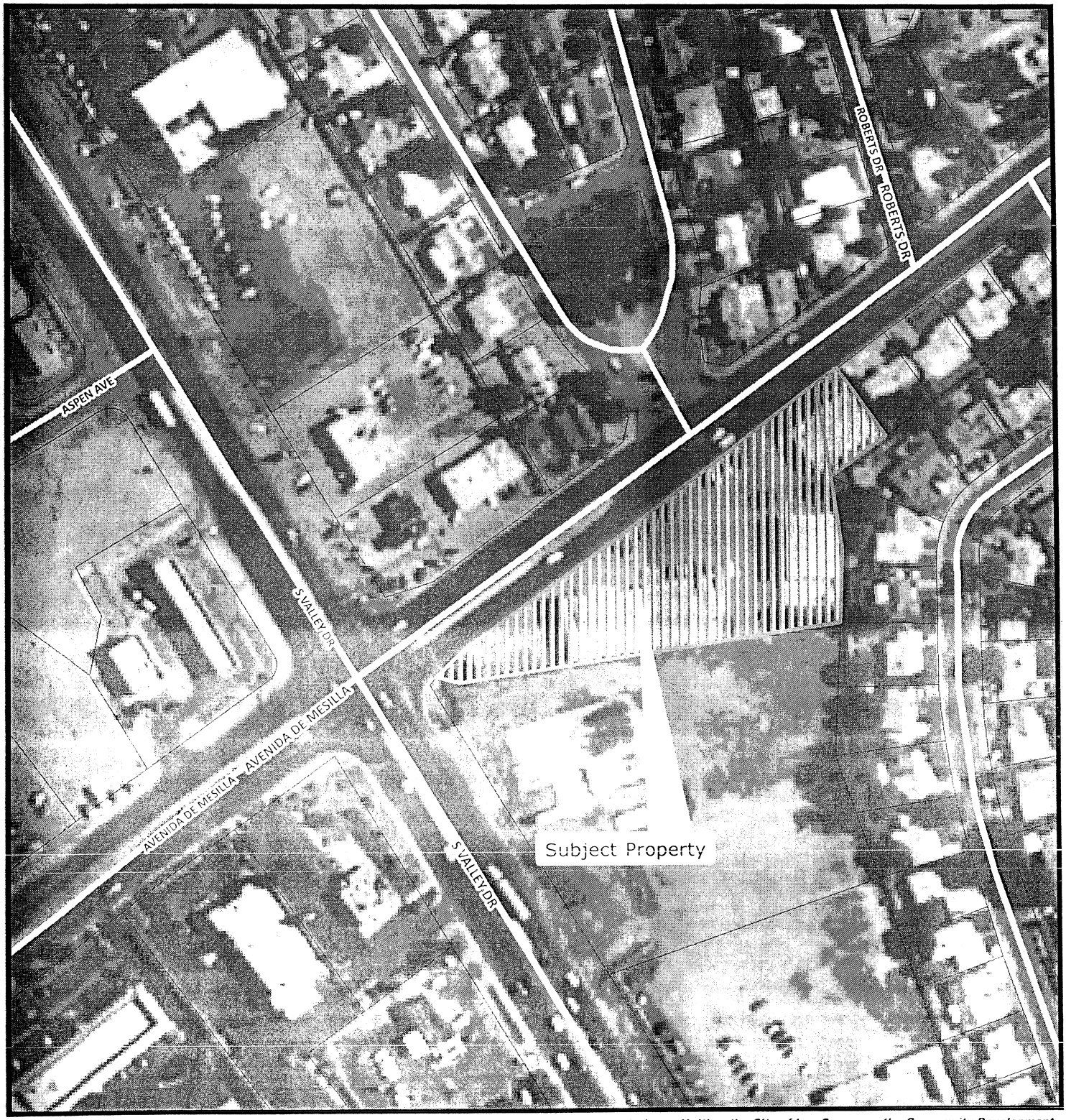
Attachment #2

AERIAL MAP

499

ZONING: C-2 TOC-3C
OWNER: LARRY GUADERRAMA

PARCEL: 02-07028 & 02-18007
DATE: 11/09/10



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150 75 0 150 300
Feet

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

Attachment #3

VICINITY MAP

CASE NO. Z2817
PARCEL: 02-07028 & 02-18007
OWNER: YOLANDA GUADERRAMA CORP
ADDRESS: 421 AVENIDA DE MESILLA
ZONING: C-2

0 100 200 400 600 800
Feet

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

Attachment "B"

Rodriguez: Now I need a motion to table this case indefinitely.

Shipley: And I move to table this case indefinitely.

DRAFT

Scholz: Okay, is there a second for that?

Crane: Second.

Scholz: It's been seconded. All those in favor of tabling this indefinitely say aye.

All: Aye

Scholz: Those opposed same sign. The case is tabled indefinitely.

Rodriguez: Now the first case that the Commission will hear is case Z2817 and then we can move through the agenda accordingly.

Scholz: Thank you, Ms. Rodriguez. Okay, here's how it works for those of you who haven't been to our meetings before. The City makes its presentation first then we ask the applicant to make his or her presentation and then we open it up to public discussion. After we close it to public discussion we discuss it among ourselves and then the Commission votes on it. All right?

2. **Case Z2817:** A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 1.83 ± acres located at 421 Avenida de Mesilla. The purpose of the zone change is to bring the subject property into compliance with the 2001 Zoning Code, as amended. Submitted by Justin Estes on behalf of Larry Guaderrama, property owner. ***(POSTPONED FROM NOVEMBER 16, 2010 MEETING)*** **APPROVED 4-0**

Scholz: And I see we have a vicinity map here but I don't see the case specifics. Okay. Mr. Ochoa.

Ochoa: To get it all started out, sir: Adam Ochoa of Development Services. The first case tonight is Z2817. It's a request for a zone change from C-2, Commercial Medium Intensity, to C-3, Commercial High Intensity-Conditional.

As you can see there in the vicinity map the subject property we are speaking about is the one highlighted in the pinkish-purple color. It's a triangular-shaped lot on the southeast corner of Avenida de Mesilla and Valley Drive.

The subject property located at, like I said, 421 Avenida de Mesilla, encompasses approximately 1.83 acres in size. Currently the subject property contains a shopping/business center on it. The zone change that is being proposed tonight will bring the property into compliance with the

DRAFT

2001 Zoning Code as Amended for acreage only. Currently the subject property is too large to be zoned C-2 since in C-2 zoning district there is a cap of 1 acre in size, maximum of 1 acre in size, to what the C-2 zoning is required.

The subject property will still have outstanding issues with parking, buffering and landscaping which should be taken care of, basically, during any type of building permitting processing and I will go through that a little more into detail in the rest of my presentation. The applicant will be required to replat the subject property to vacate an existing underlying property line that runs through the building located at the northwest corner of the subject property, which is, essentially, right along Avenida de Mesilla on the northeast corner of the subject property, about there. A property line does run through the center of one of the buildings.

The subject property currently contains some existing improved parking on it. The parking range is required anywhere from 63 to 88 parking spaces required for the subject property with six of these being required to be Americans with Disabilities Act or ADA compliant. Bicycle parking is also required for the shopping center.

Essentially, whenever any expansion or structural modification up to 10% of the total combined footprint area of all buildings on the subject property is initiated the entire subject property will have to come into compliance with the 2001 Zoning Code as amended to provide adequate parking for automobiles and bicycles. When there is an addition or a structural modification exceeding $25,000 the subject property will also have to come into compliance with landscaping.

Currently there is some existing landscaping on the subject property that is not in compliance with the requirement for the City of Las Cruces Design Standards of 15% landscaping of a total area of the subject property minus the building footprint. Adequate buffering will also be required for whenever either scenario is done: either the 10% expansion or modification or exceeding the threshold of the $25,000.

Next is an aerial map coming up for you all; the next one is an aerial map and you can see it there and that is a relatively current picture from 2009. You can see all three buildings. The larger one closer to the actual corner of Avenida de Mesilla and Valley Drive and the other two are against these property lines to the east of the property.

The next slide is staff recommendations. Staff has reviewed the zone change and recommends approval with conditions based on the preceding findings. The first condition is the applicant will be required to replat the property and dissolve any underlying property lines when the development of the subject property meets one or more of the conditions as identified in Section 38-73 (b) 4 (a-j) of the 2001 Zoning Code as amended, which is the Non-Confirmative Section of the Zoning Code. The other condition placed upon this is whenever any additions or structural modifications are done to any of the existing buildings on the subject property with a value of $25,000 or more the entire subject property will

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have to come into compliance with the 2001 Zoning Code as amended to provide landscaping, buffering and meet outdoor lighting requirements. The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration. To this date staff has not received any public input to this point.

Your options tonight, gentlemen, are: 1) to vote "yes" to approve the request as recommended by staff for case Z2817; 2) to vote "yes" to approve the request with additional conditions as deemed appropriate by the Commission; 3) to vote "no" to deny the request and; 4) to table or postpone this case and direct staff accordingly. That is the end of my presentation. I stand for questions. The subject property owner is here, as well, and will answer any questions.

Scholz: Any questions for this gentleman? All right, may we hear from the owner, please?

Guaderrama: My name is Lauro Guaderrama. I am the owner of this property.

Scholz: Okay, we're going to have to get you a little closer to the microphone, sir.

Guaderrama: I am Lauro Guaderrama. I am the owner of this property.

Scholz: Okay, do we have any questions for this gentleman? Okay, thank you very much, sir.

Guaderrama: May I state something?

Scholz: You bet.

Guaderrama: The buildings on this property have been there for a number of years.

Scholz: Okay, thanks. Is there anyone from the public who wishes to speak to this case? All right, I'll close it to public discussion then. Gentlemen, what is your pleasure?

Shipley: Mr. Chairman, I don't think we have any questions. It was very straight forward so I move to approve case Z2817 with conditions.

Scholz: Okay, would you read the conditions, please?

Shipley: Yes, sir. The first condition is: the applicant will be required to replat the property and dissolving underlying lot lines when the development of the subject property meets one or more of the conditions as identified in Section 38-73 (b) 4 (a-j) of the 2001 Zoning Code as amended; and, secondly, whenever any additions or structural modifications are done to any of the existing buildings on the subject property with a value of

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$25,000 or more the entire subject property will have to come into compliance with the 2001 Zoning Code as amended to provide landscaping, buffering and meet outdoor lighting requirements.

Scholz: All right, is there a second?

Stowe: Second

Scholz: All right, it's been moved and seconded. I'll call the role. Commissioner Shipley.

Shipley: Aye, findings and site visit.

Scholz: Commissioner Crane.

Crane: Aye, findings and site visit.

Scholz: Commissioner Stowe.

Stowe: Aye, findings and site visit.

Scholz: And the Chair votes aye for findings and site visit.

3. **Case Z2818:** A request for a zone change from UR (Urban Ranch from the 1981 Zoning Code) to R-1a (Single-Family Medium Density) for 0.42 ± acres of land located 7116 Cortez Drive. The purpose of the zone change is to bring the subject property into compliance with the 2001 Zoning Code, as amended. Submitted by Jeremiah Lay on behalf of the Community Foundation of Southern New Mexico, property owner. ***(POSTPONED FROM NOVEMBER 16, 2010 MEETING)*** **APPROVED 4-0**

Scholz: Next up is case Z2818...

Ochoa: Is that up on your screen?

Scholz: Yeah, we have the vicinity map up on our screen right now.

Ochoa: The second case for tonight is case Z2818. It's a request for a zone change from UR, which is Urban Ranch from the 1981 Zoning Code, to R-1a, which is Single-Family Medium Density.

You can see there in the vicinity map the subject property is located off of Cortez Drive; this is looking out on the East Mesa. The subject property is currently vacant and, like I said, the subject property is located at 7116 Cortez Drive. It encompasses approximately .42 acres in size and the property is currently vacant. The current zoning designation of the

Attachment # C 11

VICINITY MAP

CASE NO. Z2817
PARCEL: 02-07028 & 02-18007
OWNER: YOLANDA GUADERRAMA CORP
ADDRESS: 421 AVENIDA DE MESILLA
ZONING: C-2

N

0 100 200 400 600 800
Feet

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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