

Council Action and Executive Summary

Item # 20 Ordinance/Resolution# 2603 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-3 (COMMERCIAL HIGH INTENSITY) FOR 5.50 ± ACRES OF LAND LOCATED AT 1300 EL PASEO. THE PROPOSED ZONE CHANGE BRINGS THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY DK MULLIN ARCHITECTS ON BEHALF OF EL PASEO LIMITED, PROPERTY OWNER (Z2819).

PURPOSE(S) OF ACTION: Zone change request to bring the subject property located at 1300 El Paseo into compliance with the 2001 Zoning Code, as amended.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The property owner, El Paseo Limited, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property 5.50 ± acres in size located at 1300 El Paseo. The current size of the subject property exceeds the one (1) acre maximum lot size requirement of the C-2 zoning district. The zone change brings the subject property into zoning compliance with the 2001 Zoning Code, as amended.

The subject property is developed with an existing shopping center that consists of three (3) buildings with a combined gross floor area (GFA) of 64,625 ± square feet. The applicant is proposing to structurally modify 13,900 ± square feet of a vacant portion of one of the existing buildings for the purposes of housing a fitness center. The 2001 Zoning Code, as amended, stipulates that 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 is required to come into compliance with the 2001 Zoning Code, as amended. The proposed construction of a fitness center exceeds the ten percent (10%) threshold therefore mandating the compliance requirement.

The subject property has an existing improved parking lot. As the site is a shopping center, the property is required to meet 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 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 185 to 258 parking spaces are required for the entire subject property of which 10 of the parking stalls are required to be Americans with Disability Act (ADA) compliant. With the construction of a fitness center, the shopping center must also provide bicycle parking facilities.

The City of Las Cruces Design Standards require that additions or structural modifications to existing buildings with a value of \$25,000.00 or more 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. The subject property has established landscaping including trees and shrubs along the front property lines adjacent to Idaho Avenue and El Paseo Road. The subject property also has ground cover, e.g. grass, along the majority of the street frontages as well. The subject property is in compliance with the landscaping requirement. No additional screening/buffering would be required along the property lines of the subject property from any adjacent property.

The subject property is located on the southwest corner of El Paseo Road and Idaho Avenue. The Metropolitan Planning Organization (MPO) has classified both El Paseo Road and Idaho Avenue as Minor Arterial roadways. The subject property has access to El Paseo Road with two (2) ingress and egress locations as well as access to Idaho Avenue with two (2) ingress and egress locations. A bus stop with a bench is located on the subject property adjacent to El Paseo Road. There are no trails present within the general area.

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 Minor Arterial roadways where high intensity commercial uses are encouraged. The proposed zone change is also located in an area of comparable zoning, uses and intensity. The proposed zone change also facilitates compliance with the 2001 Zoning Code, as amended.

On December 28, 2010, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change by a vote of 4-0-0 (three Commissioners absent). There were no comments received by the general public.

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 Z2819
5. Attachment "B"- Draft minutes from the December 28, 2010 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

SOURCE OF FUNDING:

N/A	Is this action already budgeted?	
	Yes	<input type="checkbox"/> See fund summary below
	No	<input type="checkbox"/> If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/> Expense reallocated from: _____ <input type="checkbox"/> Proposed funding is from a new revenue source (i.e. grant; see details below) <input type="checkbox"/> Proposed funding is from fund balance in the _____ Fund.
N/A	Does this action create any revenue?	
	Yes	<input type="checkbox"/> Funds will be deposited into this fund: _____
	No	<input type="checkbox"/> 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 1300 El Paseo, with a combined area of 5.50 ± acres, will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). 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 1300 El Paseo. The subject property will be legal non-conforming. Any expansion or structural modification on the subject property will be limited to less than 10% of the total gross floor area of the existing buildings.
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.

N/A

COUNCIL BILL NO. 11-023
ORDINANCE NO. 2603

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 5.50 ± ACRES OF LAND LOCATED AT 1300 EL PASEO. THE PROPOSED ZONE CHANGE BRINGS THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY DK MULLIN ARCHITECTS ON BEHALF OF EL PASEO LIMITED, PROPERTY OWNER (Z2819).

The City Council is informed that:

WHEREAS, El Paseo Limited, the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located at 1300 El Paseo; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on December 28, 2010, recommended that said zone change request be approved 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-3 (Commercial High Intensity) for property located at 1300 El Paseo.

(II)

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.

(III)

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

(IV)

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: _____

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 5.50 +/- acres and is located at 1300 El Paseo.
2. The subject property is currently zoned C-2 (Commercial Medium Intensity).
3. The subject property is currently developed with a shopping/business center that consists of three (3) different buildings with a combined gross floor area (GFA) of 64,625 +/- square feet.
4. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) will bring the subject property into compliance with the 2001 Zoning Code, as amended.
5. The subject property has frontage and access to El Paseo Road and Idaho Avenue, two (2) existing Minor Arterial roadways as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

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

**City of Las Cruces**®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Planner *AO*

DATE: December 14, 2010

SUBJECT: 1300 El Paseo (Zone Change)

RECOMMENDATION: Approval – without conditions (Case Z2819)

Case Z2819: A request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 5.50 +/- acres of land located at 1300 El Paseo. The proposed zone change will bring the subject property into compliance with the 2001 Zoning Code, as amended. Submitted by DK Mullin Architects on behalf of El Paseo Limited, property owner.

BACKGROUND

The property owner, El Paseo Limited, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property 5.50 +/- acres in size and located at 1300 El Paseo. The current size of subject property exceeds the one (1) acre maximum lot size requirement of the C-2 zoning district. The zone change would bring the subject property into zoning compliance with the 2001 Zoning Code, as amended.

Currently the subject property is developed with a shopping/business center that consists of three (3) different buildings with a combined gross floor area (GFA) of 64,625 +/- square feet. The applicant is proposing to structurally modify 13,900 square feet of a vacant portion of one of the existing buildings for the purpose of housing a new fitness gym. 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 is required to come into compliance with the 2001 Zoning Code, as amended. The proposed project exceeds the ten percent (10%) threshold and is therefore required to come into compliance with the 2001 Zoning Code, as amended.

The subject property is located on the southwest corner of El Paseo Road and Idaho Avenue. The Metropolitan Planning Organization (MPO) has classified both El Paseo Road and Idaho Avenue as existing Minor Arterial roadways. The subject property has access to El Paseo Road with two (2) ingress and egress locations and access to Idaho Avenue with two (2) ingress and egress locations. A bus stop with a bench is located on the subject property along El Paseo Road. There are no trails present within the general area.

PARKING

The subject property is currently developed with 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 185 to 258 parking spaces are required for the entire subject property; 10 of the parking stalls are 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. The subject property appears to be in compliance with the 2001 Zoning Code, as amended, for parking requirements.

LANDSCAPING AND SCREENING

The City of Las Cruces Design Standards require that additions or structural modifications to existing buildings with a value of \$25,000.00 or more 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.

The subject property has established landscaping including trees and shrubs along the front property lines adjacent to Idaho Avenue and El Paseo Road. The subject property also has ground cover (i.e. grass) along the majority of the street frontages as well. The subject property is in compliance with the required 15% landscaping required. No additional screening/buffering would be required along the property lines of the subject property from any adjacent property.

FINDINGS

1. The subject property encompasses 5.50 +/- acres and is located at 1300 El Paseo.
2. The subject property is currently zoned C-2 (Commercial Medium Intensity).
3. The subject property is currently developed with a shopping/business center that consists of three (3) different buildings with a combined gross floor area (GFA) of 64,625 +/- square feet.
4. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) will bring the subject property into compliance with the 2001 Zoning Code, as amended.

5. The subject property has frontage and access to El Paseo Road and Idaho Avenue, two (2) existing Minor Arterial roadways as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2/C-3	Commercial
South	C-2	Commercial
East	C-2	Commercial
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 Minor Arterial roadways where high intensity commercial uses are encouraged. The proposed zone change is also located in an area of comparable zoning, uses and intensity. The proposed zone change would also help bring the subject property into compliance with the 2001 Zoning Code, as amended.

Staff has reviewed this zone change and recommends approval without conditions, based on the preceding findings.

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 Z2819.
2. Approve the request with additional conditions.
3. Deny the request.
4. Table/Postpone.

ATTACHMENTS

1. Development Statement
2. Existing 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: Dkmullin Architects
Contact Person: Daniel E Mullin
Contact Phone Number: 200.492.8433
Contact e-mail Address: daniel@dkmullin.com ; Dan@dkmullin.com
Web site address (if applicable): _____

Proposal Information

Location of Subject Property 1300 El Paseo Rd.

(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: C2

Proposed Zoning: C3

Acreage of Subject Property: _____

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

Zoning change to bring property into zoning compliance. Change from Mercantile to Assembly occupancy. Planet Fitness gym tenant improvement.

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

Tenant Improvement of Existing Structure - 13,900 sq. ft.

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

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

Anticipated development schedule: Work will commence on or about Nov. 1 2010
and will take approximately 90 days to complete.

How will storm water 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 Yes

Detailed site plan Yes

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

ZONING: C-2

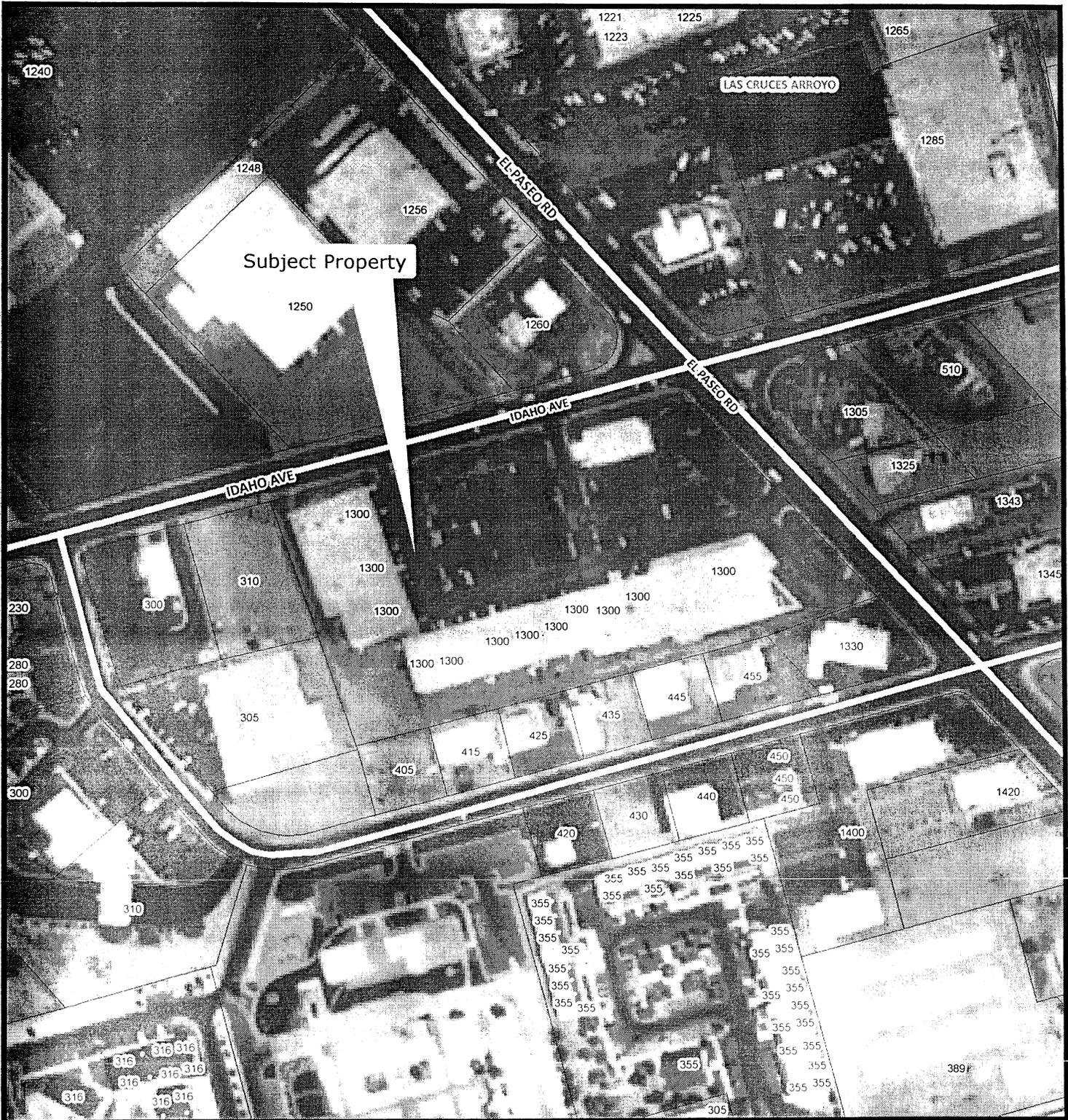
OWNER: El Paseo Limited

542
Aerial View

Attachment #3

PARCEL: 02-07454

DATE: 12/07/10



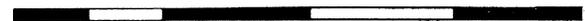
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend

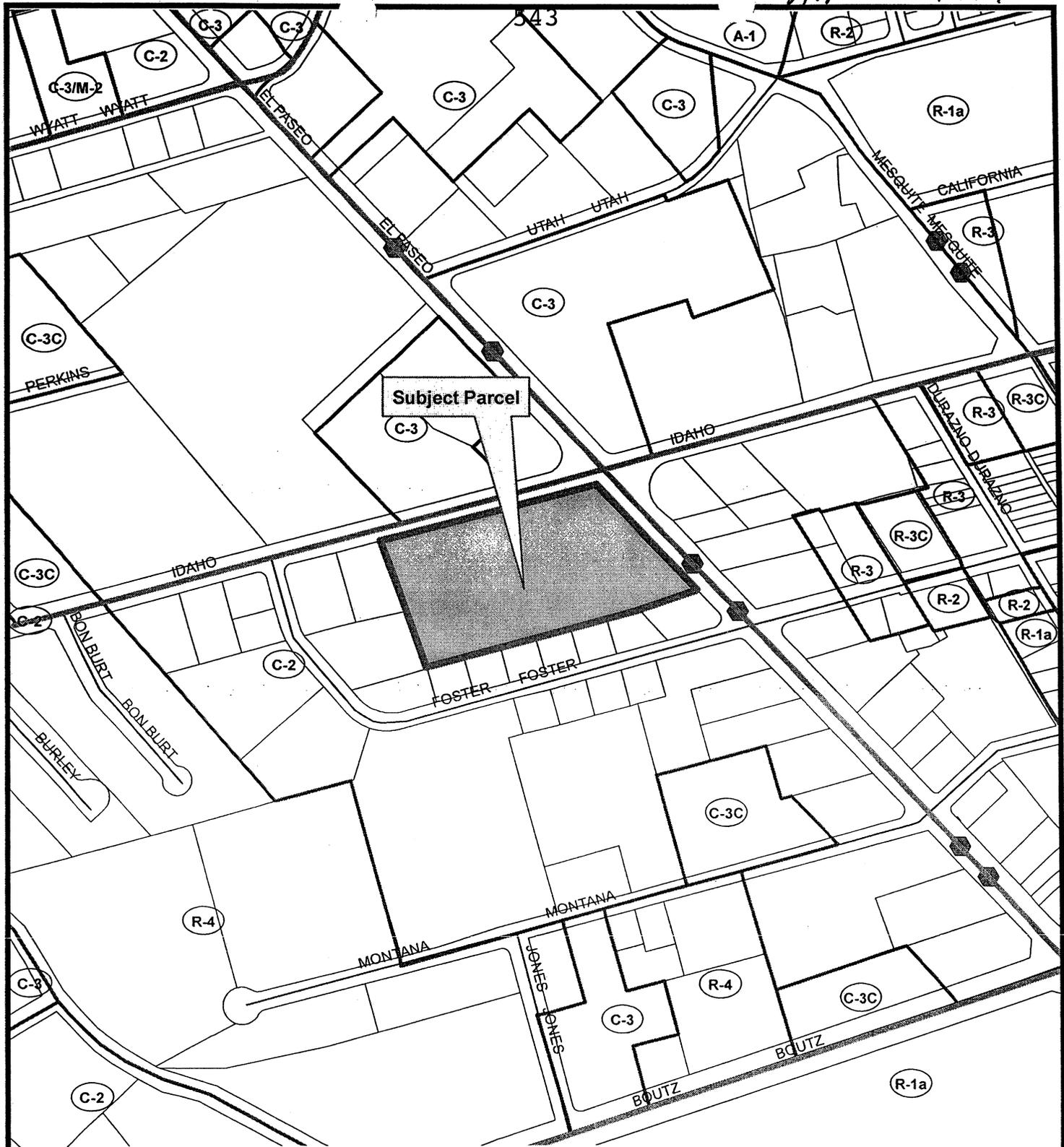
-  City Parcel
-  EBID Water System
-  Arroyo
-  Interstates_Highway
-  Railroad
-  Rio Grande



150 75 0 150 300



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



VICINITY MAP

CASE NO. Z2819
PARCEL: 02-07454
OWNER: EL PASEO LIMITED
ADDRESS: 1300 EL PASEO
ZONING: C-2



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

1 Scholz: Our Consent Agenda's next. Here's how the Consent Agenda works: the
2 items on the Consent Agenda will be voted on one vote of the Committee
3 assuming that there's no one in the audience who wants to speak to it, no
4 one from the staff who needs to speak to it or no one from the Committee
5 who has questions about it.
6

7 Scholz: All right, gentlemen, any questions about case Z2819? Commissioner
8 Shipley.
9

10 Shipley: Mr. Chair, I have questions about both of these cases, Z2819 and Z2820.
11 It's a question for staff and then we can proceed.
12

13 Scholz: All right.
14

15 Rodriguez: Mr. Chairman, we will have to remove those from the Consent Agenda
16 and then after the Unfinished Business then...
17

18 Scholz: They'll be the first two items of New Business. Right. Okay
19

20 Rodriguez: We will need a motion to remove those from the Consent and then vote.
21

22 Shipley: So I move to move to remove case Z2819 and case Z2820 from the
23 consent agenda.
24

25 Scholz: Is there a second?
26

27 Stowe: Second
28

29 Scholz: It's been moved and seconded. All in favor say aye.
30

31 All: Aye
32

33 Scholz: Those opposed saying same. All right, they're moved to the first items
34 under New Business.
35

36 1. **Case Z2819:** A request for a zone change from C-2 (Commercial Medium
37 Intensity) to C-3 (Commercial High Intensity) for 5.50 +/- acres of land located at
38 1300 El Paseo. The proposed zone change will bring the subject property into
39 compliance with the 2001 Zoning Code, as amended. Submitted by DK Mullin
40 Architects on behalf of El Paseo Limited, property owner.
41

42 **PRESENTED, DISCUSSED AND VOTED AS NEW BUSINESS (SEE NEW BUSINESS**
43 **BELOW):**
44

45 Scholz: The first one is Z2819, a request for a zone change from C-2, Commercial
46 Medium Intensity, to C-3, Commercial High Intensity.

DRAFT

- 1
2 Ochoa: Commissioner Shipley, sir, you had a question?
3
- 4 Shipley: Yes, sir. I had a question on both of these and it's the same question in
5 that it says in the ... under parking. The last sentence on both of these it
6 says, "The subject parking appears to be in compliance with the 2001
7 Zoning Code as amended" and up in the top you say that there's a
8 requirement for 250 to 350 square feet, for example, it says a range of 185
9 to 258. How many parking spaces are actually there now? I think in the
10 future what I would like to see is that when you have a range, if it's an
11 existing structure and we're just changing this, if you would tell me how
12 many spaces are there, that solves this problem and it doesn't have to be
13 "appears" because "appears," to me, is not constructive enough. It needs
14 to be specific.
15
- 16 Ochoa: Sure. Thank you for that note. To answer your question they actually
17 exceed the thresholds. Both of these, specifically Z2819, were developed
18 prior to the 2001 Zoning Code so, essentially, prior to that they met the
19 minimum parking to exceed to ... as long as you can meet parking on your
20 property.
21
- 22 Shipley: With the 2001 Code did we create a maximum? In other words, most of
23 the dealings I've done in the past it's always been a minimum
24 requirement; as long as you've met the minimum per the use you are
25 allowed to have more.
26
- 27 Ochoa: Mr. Chairman, Commissioner Shipley, that is correct. There is actually a
28 range that the 2001 Zoning Code actually calls for, essentially just trying to
29 keep kind of lid on, I guess, seas of asphalt, if you will, that we've seen in
30 the past. It's just trying to keep the stuff a little more pervious and a little
31 more attractive, I guess.
32
- 33 Shipley: Thank you.
- 34
- 35 Scholz: Was there anyone from the public which wishes to speak to this case?
36 This is Z2819. I didn't hear anyone when we talked about this on the
37 Consent Agenda so I'm going to ask ...
38
- 39 Shipley: Mr. Chairman, I'd like to move to approve case Z2819 as ...
40
- 41 Scholz: Without conditions
42
- 43 Shipley: Without conditions.
44
- 45 Scholz: Thank you, Mr. Shipley. Is there a second?
46

DRAFT

1 Stowe: I second it.
 2
 3 Scholz: Mr. Crane, thank you. All right, I'll call the role. Commissioner Shipley.
 4
 5 Shipley: Aye, findings, discussion and site visit.
 6
 7 Scholz: Commissioner Crane
 8
 9 Crane: Aye, findings, discussion and site visit.
 10
 11 Scholz: Commissioner Stowe.
 12
 13 Stowe: Aye, findings and site visit.
 14
 15 Scholz: And the Chair votes aye, findings, discussion and site visit so that passes
 16 4-0.
 17

- 18 2. **Case Z2820:** A request for a zone change from C-2 (Commercial Medium
 19 Intensity) to C-3C (Commercial High Intensity-Conditional) for two properties
 20 located at 2040 W. Picacho Avenue and 980 17th Street. The subject property on
 21 2040 W. Picacho Avenue encompasses 1.069 +/- acres and the property at 980
 22 17th Street encompasses 2.00 +/- acres. The purpose of the zone change is to
 23 bring the two subject properties into compliance with the 2001 Zoning Code, as
 24 amended. Submitted by William & Laura Bullock, Richard & Denise Dimsha,
 25 Stanley J. Dimsha and the Fraternal Order of Eagles, property owners.
 26

27 **PRESENTED, DISCUSSED AND VOTED AS NEW BUSINESS (SEE NEW BUSINESS**
 28 **BELOW):**
 29

30 Shipley: Mr. Chairman, I move to approve case Z2820 and there were no
 31 conditions with that, as well.
 32
 33 Scholz: Okay. Is there anyone who wishes to speak to Z2820? I see someone is
 34 approaching the microphone ... no, they're taking off. All right, Mr. Shipley
 35 moved and Crane seconded. So it's been moved and seconded?
 36
 37 Crane: I didn't second it.
 38
 39 Scholz: You didn't second it? Oh, I'll need a second on this, please.
 40
 41 Stowe: I second it.
 42
 43 Scholz: Thank you, Commissioner Stowe. All right, I'll call the role. Commissioner
 44 Shipley.
 45
 46 Shipley: Aye, findings, discussion and site visit.

DRAFT

1
2 Stowe: Aye, findings, discussion and site visit.
3

4
5 Scholz: And the Chair votes aye for findings, discussion and site visit. All right, so
6 it passes 4-0
7

8 **VII. NEW BUSINESS**
9

10 - Scholz: All right, the first two items on New Business were on the Consent
11 Agenda. **(SEE CONSENT AGENDA ABOVE)**
12

- 13 1. **Case SUP-10-02:** A request for a Special Use Permit to allow day care services
14 for up to twelve (12) children within a single-family home. The subject property is
15 located at 600 S. Melendrez, is currently zoned R-1a (Single Family Medium
16 Density) and encompasses 0.21 +/- acres. This is a proposed Group Child Care
17 Home (7-12 children) requiring a Special Use Permit within an R-1a zoning
18 district. Submitted by Jennifer Tamplin, on behalf of Wendall L. Eugenio,
19 property owner.
20

21 Scholz: Now, our next case of New Business is SUP-10-02, a request for a
22 Special Use Permit. Mr. Ochoa, are you up again? You're doing all the
23 heavy lifting today.
24

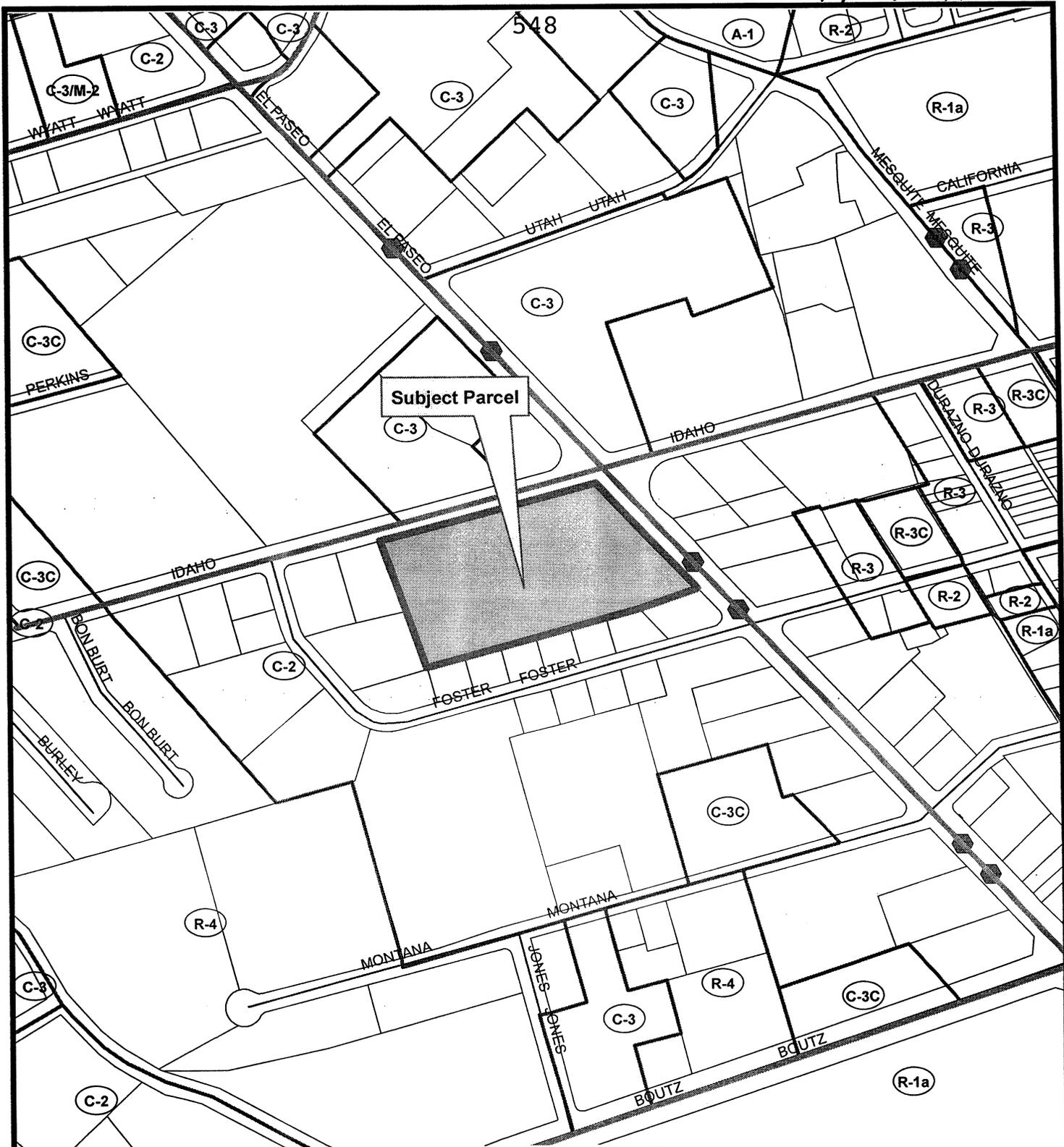
25 Ochoa: Yes, sir.
26

27 Scholz: Go ahead.
28

29 Ochoa: The next case, like you said, sir, is SUP-10-02. It's a request for a special
30 use permit to allow a group child care home or day care for up to 12
31 children at 600 S. Melendrez.

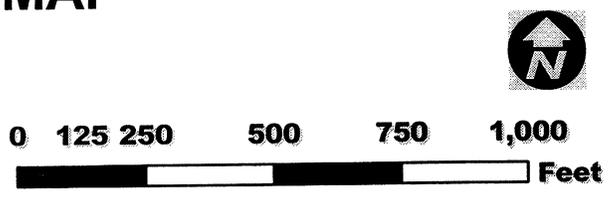
32 The next slide: you can see the vicinity map of the subject property
33 located on the southwest corner of El Molino and Melendrez. It's
34 essentially the last R-1a zoned property in that area. Going toward the
35 west is Industrial so there's kind of a border line between Single-Family
36 Medium Density and the Industrial located to the west. The subject
37 property is located at 600 S. Melendrez. It encompasses approximately
38 .21 acres and is zoned R-1a, which is Single-Family Medium Density. The
39 2001 Zoning Code as amended requires an applicant providing in-home
40 child care exceeding 6 children but less than 13 children to obtain a
41 special use permit prior to the group child care home being in operation.

42 Staff evaluates possible impacts relative to Special Use Permits
43 associated with group child care homes located within residential zoning
44 districts. Some of these issues that we looked for this property are:
45 proximity and potential impact on surrounding properties, the site design,
46 potential traffic impacts, hours of operation, neighborhood comments, etc.



VICINITY MAP

CASE NO. Z2819
PARCEL: 02-07454
OWNER: EL PASEO LIMITED
ADDRESS: 1300 EL PASEO
ZONING: C-2



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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