

Council Action and Executive Summary

Item # 21 Ordinance/Resolution# 2604 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 TWO PROPERTIES LOCATED AT 2040 W. PICACHO AVENUE AND 980 17TH STREET. THE SUBJECT PROPERTY AT 2040 W. PICACHO AVENUE ENCOMPASSES 1.069 ± ACRES AND THE PROPERTY AT 980 17TH STREET ENCOMPASSES 2.00 ± ACRES. THE PROPOSED ZONE CHANGE BRINGS THE TWO PROPERTIES INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY WILLIAM & LAURA BULLOCK, RICHARD & DENISE DIMSHA, STANLEY J. DIMSHA AND THE FRATERNAL ORDER OF EAGLES, PROPERTY OWNERS (Z2820).

PURPOSE(S) OF ACTION: Zone change request from C-2 to C-3C for property located at 2040 W. Picacho Avenue and 980 17th Street for the purposes of bringing the properties 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>CP for DW</i>	528-3066	Budget	<i>Richard Bullock</i>	541-2107
Other			Assistant City Manager		541-2271
Legal	<i>Ag. McDermott</i>	541-2128	City Manager	<i>Bob San</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The property owners, William & Laura Bullock, Richard & Denise Dimsha, Stanley J. Dimsha and the Fraternal Order of Eagles, are requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for two properties located at 2040 W. Picacho Avenue and 980 17th Street. The property located at 2040 W. Picacho Avenue, a Principal Arterial roadway, encompasses 1.069 ± acres, the property located at 980 17th Street, a local roadway, encompasses 2.00 ± acres, and the two properties are adjacent to one another.

The subject property located at 2040 W. Picacho Avenue is vacant. The property located at 980 17th Street is developed as a private club/lodge with 11,500 ± square feet of gross floor area (GFA). The applicants have submitted a development application to request a lot line adjustment between the two properties as the landscaped area of the parking lot of private club/lodge is encroaching into the property located at 2040 W. Picacho.

As part of the review of the replat for the lot line adjustment it was noted that both subject properties are zoned C-2 (Commercial Medium Intensity) and both properties exceed the maximum lot size of 1-acre for the C-2 zoning district. The property owners of each subject property are requesting a zone change to C-3 to bring their properties into compliance with the 2001 Zoning Code, as amended.

980 17th Street – Site Analysis

The subject property located at 980 17th Street is in compliance with the parking requirements for a private lodge/club. The 2001 Zoning Code, as amended requires a private club/lodge to provide one (1) parking stall per 100 to 200 square feet of GFA. Based on the GFA of the existing building, a range of 57 to 115 parking spaces are required for the entire subject property in which six (6) of the parking stalls are required to be Americans with Disability Act (ADA) compliant.

In addition, the subject property is in compliance with the landscaping requirements. However, the property is not in compliance with the buffer requirements to ensure adequate separation between adjacent land uses. The site requires a 10-foot opaque buffer yard or a 15-foot semi-opaque buffer yard along the northern property line, as the property is adjacent to single-family residential development. Any future expansion or structural modification exceeding 10 percent of the total combined gross floor area of the existing building, the site will be required to come into full compliance with the buffer requirements. This requirement is recommended as a condition as part of the zone change request.

2040 W. Picacho – Site Analysis

The subject property located at 2040 W. Picacho Avenue is currently vacant. Any future development on the subject property will require full compliance with the C-3 development standards and all other applicable City development codes.

As part of the review for the zone change request, it was noted that both properties are located within a flood zone. As such, the Public Works Department is requesting that a condition be placed on the zoning designation that if any new development or substantial improvement is done to either property, the property owners will be required to complete a Letter of Map Change Revision with FEMA.

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 subject properties are located adjacent to or near a Principal Arterial roadway where high intensity commercial uses are encouraged. The proposed zone change facilitates compliance with the 2001 Zoning Code, as amended.

On December 28, 2010, the Planning and Zoning Commission (P&Z) recommended conditional approval with three (3) conditions for the proposed zone change for both subject properties by a vote of 4-0-0 (three Commissioners absent). No public comment was received at the public hearing. The conditions are stipulated as follows:

- Whenever any additions or structural modifications are done to the existing building located at 980 17th Street that are with a value of \$25,000 or greater, the property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering as well as comply with outdoor lighting requirements;
- All new utilities for the subject property located at 2040 W. Picacho shall be placed underground; and
- Any new development or substantial improvement done on either subject property will require the property owners to complete the Letter of Map Change Revision with FEMA.

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 Z2820
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 conditional approval. The subject properties located at 2040 W. Picacho Avenue and 980 17th Street with a combined area of 3.069 +/- acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional). The zone change facilitates 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 2040 W. Picacho Avenue and 980 17th Street.
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 #776.

COUNCIL BILL NO. 11-024
ORDINANCE NO. 2604

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR TWO PROPERTIES LOCATED AT 2040 W. PICACHO AVENUE AND 980 17TH STREET. THE SUBJECT PROPERTY AT 2040 W. PICACHO AVENUE ENCOMPASSES 1.069 ± ACRES AND THE PROPERTY AT 980 17TH STREET ENCOMPASSES 2.00 ± ACRES. THE PROPOSED ZONE CHANGE BRINGS THE TWO PROPERTIES INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY WILLIAM & LAURA BULLOCK, RICHARD & DENISE DIMSHA, STANLEY J. DIMSHA AND THE FRATERNAL ORDER OF EAGLES, PROPERTY OWNERS (Z2820).

The City Council is informed that:

WHEREAS, William & Laura Bullock, Richard & Denise Dimsha, Stanley J. Dimsha and the Fraternal Order of Eagles, 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 two properties located at 2040 W, Picacho Avenue and 980 17th Street; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on December 28, 2010, recommended that said zone change request be conditionally 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-3C (Commercial High Intensity-Conditional) for two properties located at 2040 W. Picacho Avenue and 980 17th Street.

(II)

THAT the conditions be stipulated as follows:

- Whenever any additions or structural modifications are done to the existing building located at 980 17th Street that are with a value of \$25,000 or greater, the property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering as well as comply with outdoor lighting requirements;

- All new utilities for the subject property located at 2040 W. Picacho shall be placed underground; and
- Any new development or substantial improvement done on either subject property will require the property owners to complete the Letter of Map Change Revision with FEMA.

(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"

TOPOGRAPHICAL SURVEY
SHOWING THE LOCATION OF IMPROVEMENTS
ON A 2,000 ACRE TRACT IN SECTION 14, T.29S., R.1E.
N.M.P.M. OF THE U.S.R.S. SURVEYS
BEING A PORTION OF U.S.R.S. TRACT 9C-20
LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

PART U.S.R.S.
TRACT 9C-20B1

BASE FOR SULLY

PART U.S.R.S.
TRACT 9C-20B1
2,000 AC.

$\Delta = 2411'15"$
 $R = 417'20"$
 $T = 80'39"$
 $I = 176'12"$
 $CH = S 05'50'40" W$
 $174.02'$

$\Delta = 18'04'47"$
 $R = 281'28"$
 $T = 44'76"$
 $I = 88'76"$
 $CH = N 01'00'50" W$
 $88.39'$

- LEGEND**
- WATER VALVE
 - SEWER MANHOLE
 - POWER POLE

NOTE: FLOOD ZONE "A", BASE ELEVATIONS DETERMINED IN MAP NO. 3501000000-E.

NOTE: UTILITIES FROM FIELD WORK AND INFORMATION FROM THE CITY OF LAS CRUCES.

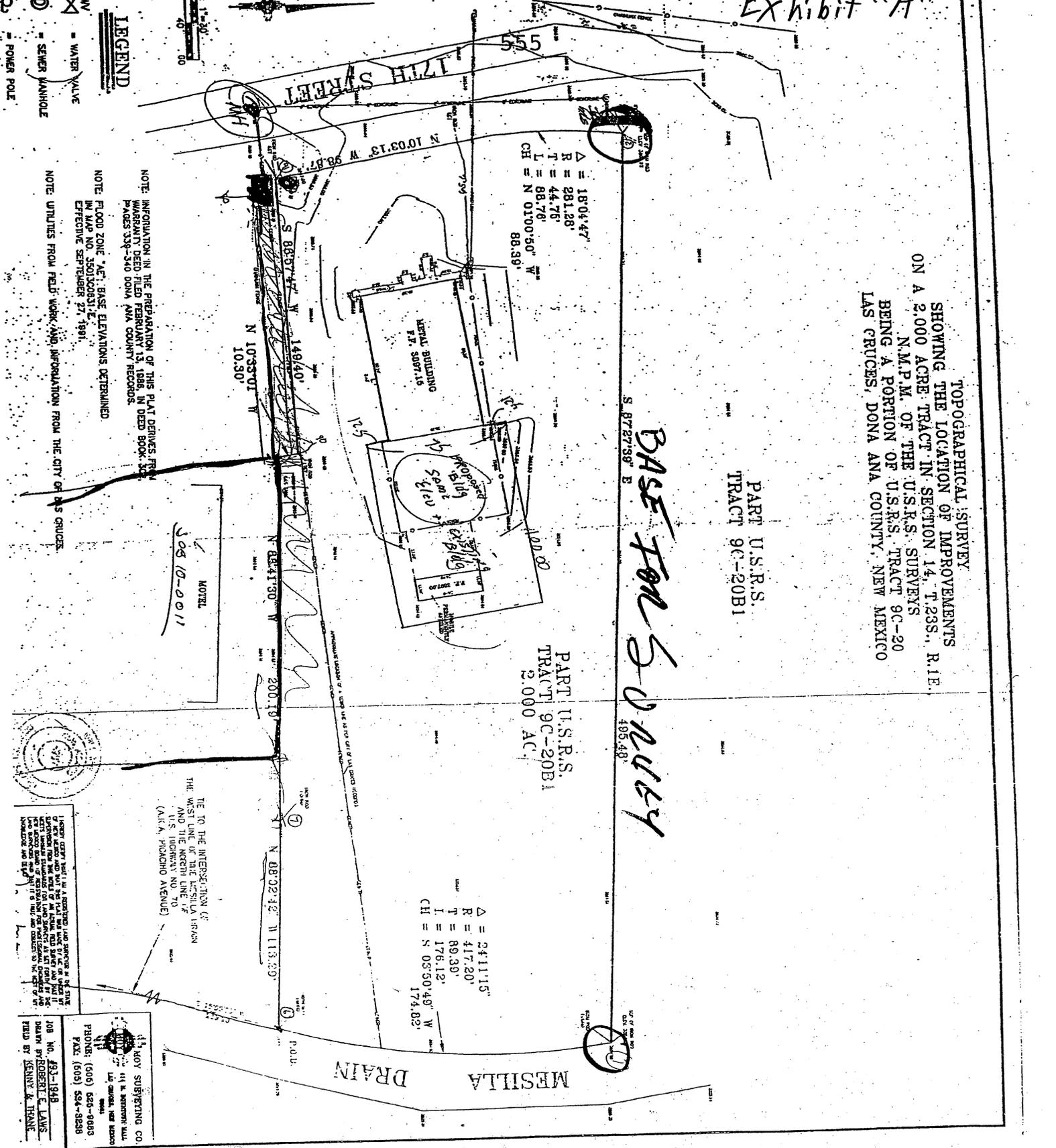
NOTE: INFORMATION IN THE PREPARATION OF THIS PLAN DERIVES FROM WARRANT DEED FILED FEBRUARY 13, 1988, IN DEED BOOK 302, PAGES 338-340 DONA ANA COUNTY RECORDS.

1. I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF NEW MEXICO AND THAT I AM THE AUTHOR OF THIS SURVEY AND THAT I AM A MEMBER IN GOOD STANDING OF THE PROFESSIONAL SURVEYORS ASSOCIATION OF NEW MEXICO.

2. I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF NEW MEXICO AND THAT I AM THE AUTHOR OF THIS SURVEY AND THAT I AM A MEMBER IN GOOD STANDING OF THE PROFESSIONAL SURVEYORS ASSOCIATION OF NEW MEXICO.

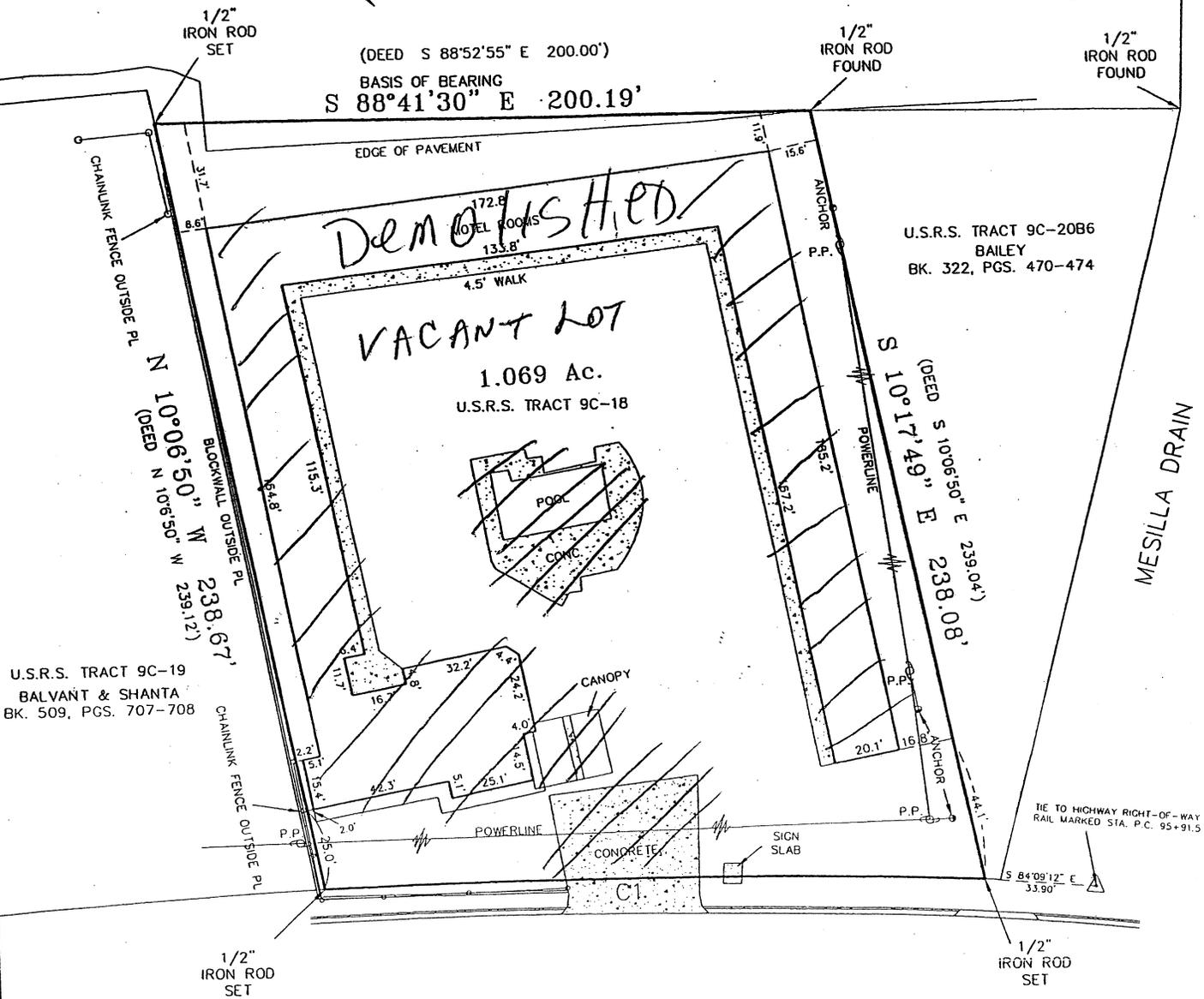
114 MOY SURVEYING CO.
414 N. UNIVERSITY BLVD.
LAS CRUCES, NM 88001
PHONE: (505) 850-0883
FAX: (505) 854-8288

JOB NO. 893-1848
DRAWN BY ROBERT E. LAWSON
FIELD BY KENNETH E. HAVANE





PAVED PARKING

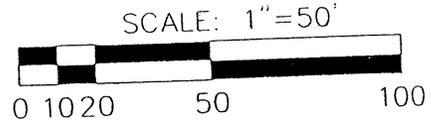


2040 WEST PICACHO AVENUE

U.S. HIGHWAY 70-80
(N.M.P. NO. FI-002-2(4))

NOTE:
FLOOD ZONE "AE"; BASE FLOOD ELEVATIONS DETERMINED
IN MAP NO 35013C0631 E, EFFECTIVE SEPTEMBER 27, 1991.
REVISED AUGUST 8, 2002, TO REFLECT LOMR.
THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY
OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT
SHOULD BE CONTACTED FOR VERIFICATION.

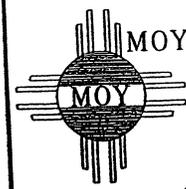
INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM
INSTRUMENT #0915895, FILED JUNE 9, 2009, DONA ANA
COUNTY RECORDS.



"INDEXING INFORMATION FOR COUNTY CLERK"
PROPERTY OWNER: ALASKA SEABOARD PARTNERS
PROPERTY LOCATION: CITY OF LAS CRUCES



PLAT OF SURVEY
SHOWING THE LOCATION OF IMPROVEMENTS
ON A 1.069 ACRE TRACT
IN SECTION 14, T.23S., R.1E., N.M.P.M.
OF THE U.S.R.S. SURVEYS
BEING U.S.R.S. TRACT 9C-18
CITY OF LAS CRUCES



MOY SURVEYING INC.
414 N. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO
88001

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The property located at 2040 W. Picacho Avenue encompasses 1.069 +/- acres and the property located at 980 17th Street encompasses 2.00 +/- acres.
2. The subject properties are both currently zoned C-2 (Commercial Medium Intensity).
3. Currently the subject property at 2040 W. Picacho Avenue is vacant and the property at 980 17th Street is developed with a private club/lodge that measures 11,500 square feet.
4. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) would bring the subject properties into compliance with the 2001 Zoning Code, as amended.
5. The subject properties are located on Picacho Avenue and 17th Street, an existing Principal Arterial roadway and an existing Local roadway respectively as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1aM	Residential
South	C-2	Commercial
East	C-2	Commercial
West	C-3	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: 2040 W. Picacho Avenue & 980 17th Street (Zone Change)

RECOMMENDATION: Approval – with conditions (Case Z2820)

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

BACKGROUND

The property owners, William & Laura Bullock, Richard & Denise Dimsha, Stanley J. Dimsha and the Fraternal Order of Eagles, are requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for two properties located at 2040 W. Picacho Avenue and 980 17th Street. The property located at 2040 W. Picacho Avenue encompasses 1.069 +/- acres and the property located at 980 17th Street encompasses 2.00 +/- acres. The zone change would bring the two subject properties into compliance with the 2001 Zoning Code, as amended.

Currently the subject property at 2040 W. Picacho Avenue is vacant and the property at 980 17th Street is developed with a private club/lodge. The building at 980 17th Street currently measures 11,500 square feet. The applicants are seeking to do a lot line adjustment between the two properties to correct the alignment of the lot line shared between them. Both subject properties currently exceed the one (1) acre maximum lot size requirement of the C-2 (Commercial Medium Intensity) zoning district. The two subject properties are required to come into compliance with the 2001 Zoning Code, as amended, in order to proceed with the lot line adjustment replatting process.

The subject properties are located on Picacho Avenue and 17th Street respectively. The Metropolitan Planning Organization (MPO) has classified Picacho Avenue as an existing Principal Arterial roadway and 17th Street as an existing Local roadway. The subject property located at 2040 W. Picacho Avenue has legal access to Picacho Avenue and the

property at 980 17th Street has legal access to 17th Street with two (2) improved ingress and egress locations along the western property line. A bus stop with a shelter is located directly across the street of the subject property at 2040 W. Picacho Avenue. There are no trails present within the general area.

PARKING

The subject property at 980 17th Street is currently developed with existing improved parking. The 2001 Zoning Code, as amended requires a private club/lodge to provide one (1) parking stall per 100 to 200 square feet of GFA. Therefore, based on the GFA of the existing building a range of 57 to 115 parking spaces are required for the entire subject property; six (6) of the parking stalls are required to be Americans with Disability Act (ADA) compliant. The subject property at 980 17th Street is also required to provide five (5) bicycle parking spaces on the property. The parking situation at the subject property located at 980 17th Street appears to be in compliance with the 2001 Zoning Code, as amended.

The subject property located at 2040 W. Picacho Avenue is currently vacant with no improved parking. Any development that takes place at 2010 W. Picacho Avenue will be required to follow all parking requirements of the 2001 Zoning Code, as amended.

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 located at 980 17th Street has some established landscaping along the front property line adjacent to 17th Street and the two sides and rear property lines. There is also currently some scattered landscaping surrounding the building. The subject property at 980 17th Street appears to be in compliance with landscaping.

The subject property at 980 17th Street is also required to provide a 10-foot opaque buffer yard or a 15-foot semi-opaque bufferyard along the northern property line from the adjacent residential properties. Whenever any addition or structural modification is done to the existing building on the subject property with a value of \$25,000.00 or more, 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 exceeding ten percent (10%) of the total combined gross floor area of the building 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. No additional screening (buffering) is required along the remaining property lines of the subject property from any other adjacent property.

The vacant property located at 2040 W. Picacho Avenue will be required to comply with all landscaping requirements of the City of Las Cruces Design Standards whenever any development occurs on the property. No additional screening (buffering) will be required for the subject property located at 2040 W. Picacho Avenue from any adjacent property.

FINDINGS

1. The property located at 2040 W. Picacho Avenue encompasses 1.069 +/- acres and the property located at 980 17th Street encompasses 2.00 +/- acres.
2. The subject properties are both currently zoned C-2 (Commercial Medium Intensity).
3. Currently the subject property at 2040 W. Picacho Avenue is vacant and the property at 980 17th Street is developed with a private club/lodge that measures 11,500 square feet.
4. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) would bring the subject properties into compliance with the 2001 Zoning Code, as amended.
5. The subject properties are located on Picacho Avenue and 17th Street, an existing Principal Arterial roadway and an existing Local roadway respectively as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1aM	Residential
South	C-2	Commercial
East	C-2	Commercial
West	C-3	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 changes are supported by several Land Use Elements found in the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone changes are located next to and near an existing Principal Arterial roadway where high intensity commercial uses are encouraged. The proposed zone changes are also located in an area of comparable zoning, uses and intensity. The proposed zone changes will also help bring the subject properties into compliance with the 2001 Zoning Code, as amended.

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

- Whenever any additions or structural modifications are done to the existing building on the subject property located at 980 17th Street 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 adequate buffering, and meet outdoor lighting requirements.
- All new utilities for the subject property located at 2040 W. Picacho Avenue shall be placed underground.
- Any new development or substantial improvement done on either subject property will require the property owners to complete the Letter of Map Change Process with FEMA.

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 Z2820.
2. Approve the request with additional conditions.
3. Deny the request.
4. Table/Postpone.

ATTACHMENTS

1. Development Statements
2. Existing Site Plans
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: F.O.E. Eagles 4038
Contact Person: FRANK CARRIL
Contact Phone Number: 575-647-5303
Contact e-mail Address: FRANKCARRIL@AOL.COM
Web site address (if applicable): N/A

Proposal Information

Location of Subject Property 980 17th STREET

(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: 2.0 Acres

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

EXISTING PRIVATE CLUB LODGE
*THIS APPLICATION IS BEING PURSUED TO BRING
THIS PROPERTY INTO COMPLIANCE WITH THE
CURRENT ZONING REQUIREMENT.

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

N/A

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

N/A

Anticipated traffic generation N/A trips per day (if known).

Anticipated development schedule: Work will commence on or about EXISTING N/A and will take approximately _____ to complete.

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

ON LOT

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:

EXISTING SEE ATTACHED LETTER

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*

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: William Bullock
 Contact Person: William Bullock
 Contact Phone Number: 575-650-6112
 Contact e-mail Address: billybozianet.com
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property 2040 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: 1.069 ACRES

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

VACANT LAND
* THIS APPLICATION IS BEING PURSUED TO BRING
THIS PROPERTY INTO COMPLIANCE WITH THE
CURRENT ZONING REQUIREMENT.

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

N/A

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

N/A

Anticipated traffic generation N/A 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.)?

ON LOT PONDING

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

NO

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*

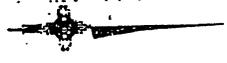
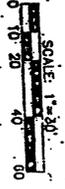
TOPOGRAPHICAL SURVEY
 SHOWING THE LOCATION OF IMPROVEMENTS
 ON A 2.000 ACRE TRACT IN SECTION 14, T.23S., R.1E.,
 N.M.P.M. OF THE U.S.R.S. SURVEYS
 BEING A PORTION OF U.S.R.S. TRACT 9C-20
 LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

PART U.S.R.S.
 TRACT 9C-20B1

BASE FOR SULLY

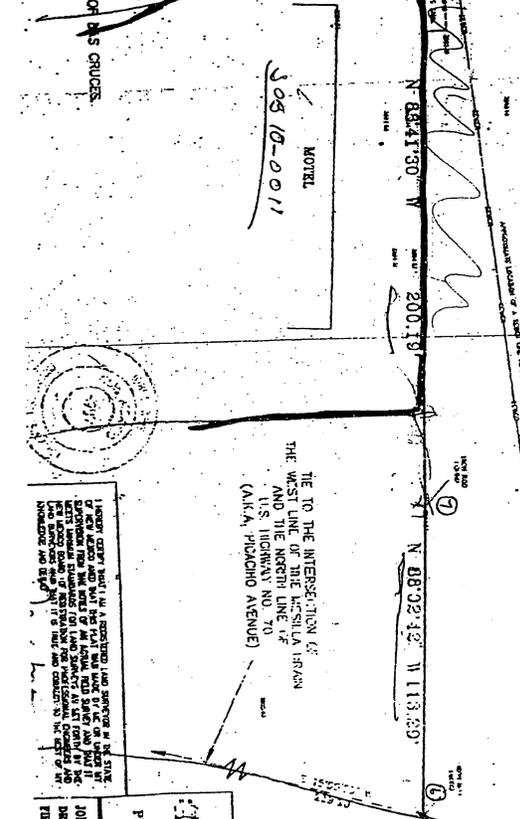
PART U.S.R.S.
 TRACT 9C-20B1
 2.000 AC.

- LEGEND**
- ⊗ WATER VALVE
 - ⊗ SEWER MANHOLE
 - ⊗ POWER POLE



NOTE: INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM WARRANTY DEED FILED FEBRUARY 13, 1988 IN DEED BOOK 322 PAGES 334-340 DONA ANA COUNTY RECORDS.
 NOTE: FLOOD ZONE "AE" BASE ELEVATIONS DETERMINED IN MAP NO. 350J300831-E.
 EFFECTIVE SEPTEMBER 27, 1991.

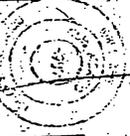
NOTE: UTILITIES FROM FIELD WORK AND INFORMATION FROM THE CITY OF LAS CRUCES.



$\Delta = 1804.47'$
 $R = 281.28'$
 $T = 44.76'$
 $L = 88.76'$
 $CH = N 01°00'50'' W 88.39'$

$\Delta = 2411.15'$
 $R = 417.20'$
 $T = 89.39'$
 $L = 176.12'$
 $CH = N 03°50'49'' W 174.02'$

TO THE INTERSECTION OF
 THE WEST LINE OF MESILLA DRAIN
 AND THE NORTH LINE OF
 (ALTA: PICHACHO AVENUE)



I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF NEW MEXICO AND HAVE MADE THIS PLAT AND THE INFORMATION CONTAINED THEREIN TO THE BEST OF MY KNOWLEDGE AND BELIEF IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL CONDUCT ACT AND THE STATUTES OF THE STATE OF NEW MEXICO.
 ROBERT E. LANES
 LICENSE NO. 1178

11707 SUSTAINING CO.
 414 N. BENTLEY BLVD.
 LAS CRUCES, NEW MEXICO
 PHONE: (505) 536-8685
 FAX: (505) 534-8288
 JOB NO. 83-1948
 DRAWN BY ROBERT E. LANES
 FIELD BY KENNETH R. IRVINE



PAVED PARKING

(DEED S 88°52'55" E 200.00')
BASIS OF BEARING
S 88°41'30" E 200.19'

1/2" IRON ROD SET

1/2" IRON ROD FOUND

1/2" IRON ROD FOUND

EDGE OF PAVEMENT

Demolished
MOTEL ROOMS
172.8'
133.8'

U.S.R.S. TRACT 9C-20B6
BAILEY
BK. 322, PGS. 470-474

VACANT LOT
1.069 Ac.
U.S.R.S. TRACT 9C-18

(DEED S 10°06'50" E 239.04')
S 10°17'49" E 238.08'

MESILLA DRAIN

U.S.R.S. TRACT 9C-19
BALVANT & SHANTA
BK. 509, PGS. 707-708

CHAINLINK FENCE OUTSIDE PL
N 10°06'50" W 238.67'
(DEED N 10°06'50" W 239.12')

1/2" IRON ROD SET

1/2" IRON ROD SET

TIE TO HIGHWAY RIGHT-OF-WAY
RAIL MARKED STA. P.C. 95+91.5

S 84°09'12" E 33.90'

2040 WEST PICACHO AVENUE

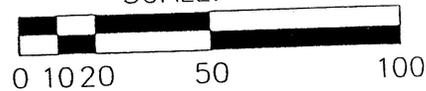
U.S. HIGHWAY 70-80
(N.M.P. NO. FI-002-2(4))

NOTE:

FLOOD ZONE "AE"; BASE FLOOD ELEVATIONS DETERMINED.
IN MAP NO 35013C0631 E, EFFECTIVE SEPTEMBER 27, 1991.
REVISED AUGUST 8, 2002, TO REFLECT LOMR.
THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY
OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT
SHOULD BE CONTACTED FOR VERIFICATION.

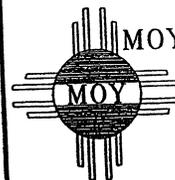
INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM
INSTRUMENT #0915895, FILED JUNE 9, 2009, DONA ANA
COUNTY RECORDS.

SCALE: 1"=50'



"INDEXING INFORMATION FOR COUNTY CLERK"
PROPERTY OWNER: ALASKA SEABOARD PARTNERS
PROPERTY LOCATION: CITY OF LAS CRUCES

PLAT OF SURVEY
SHOWING THE LOCATION OF IMPROVEMENTS
ON A 1.069 ACRE TRACT
IN SECTION 14, T.23S., R.1E., N.M.P.M.
OF THE U.S.R.S. SURVEYS
BEING U.S.R.S. TRACT 9C-18
CITY OF LAS CRUCES



MOY SURVEYING INC.

414 N. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO
88001

PHONE: (505) 525-9683



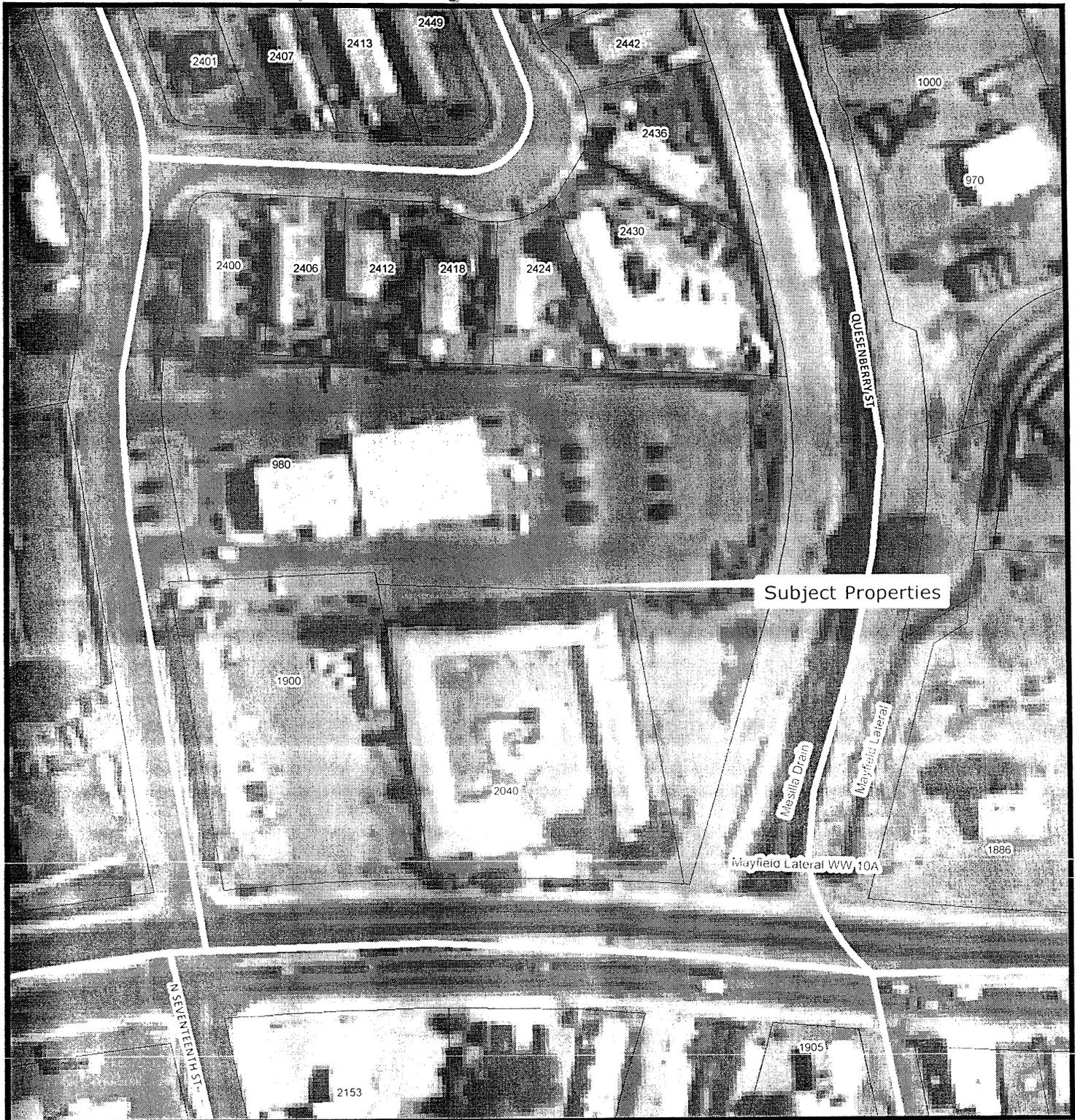
ZONING: C-2

Aerial View ⁵⁷⁰

Attachment #3
PARCEL: 02-00437 & 02-18069

OWNER: Bullocks, Dimshas, & Order of Eagles

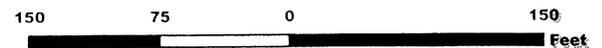
DATE: 12/07/10



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.

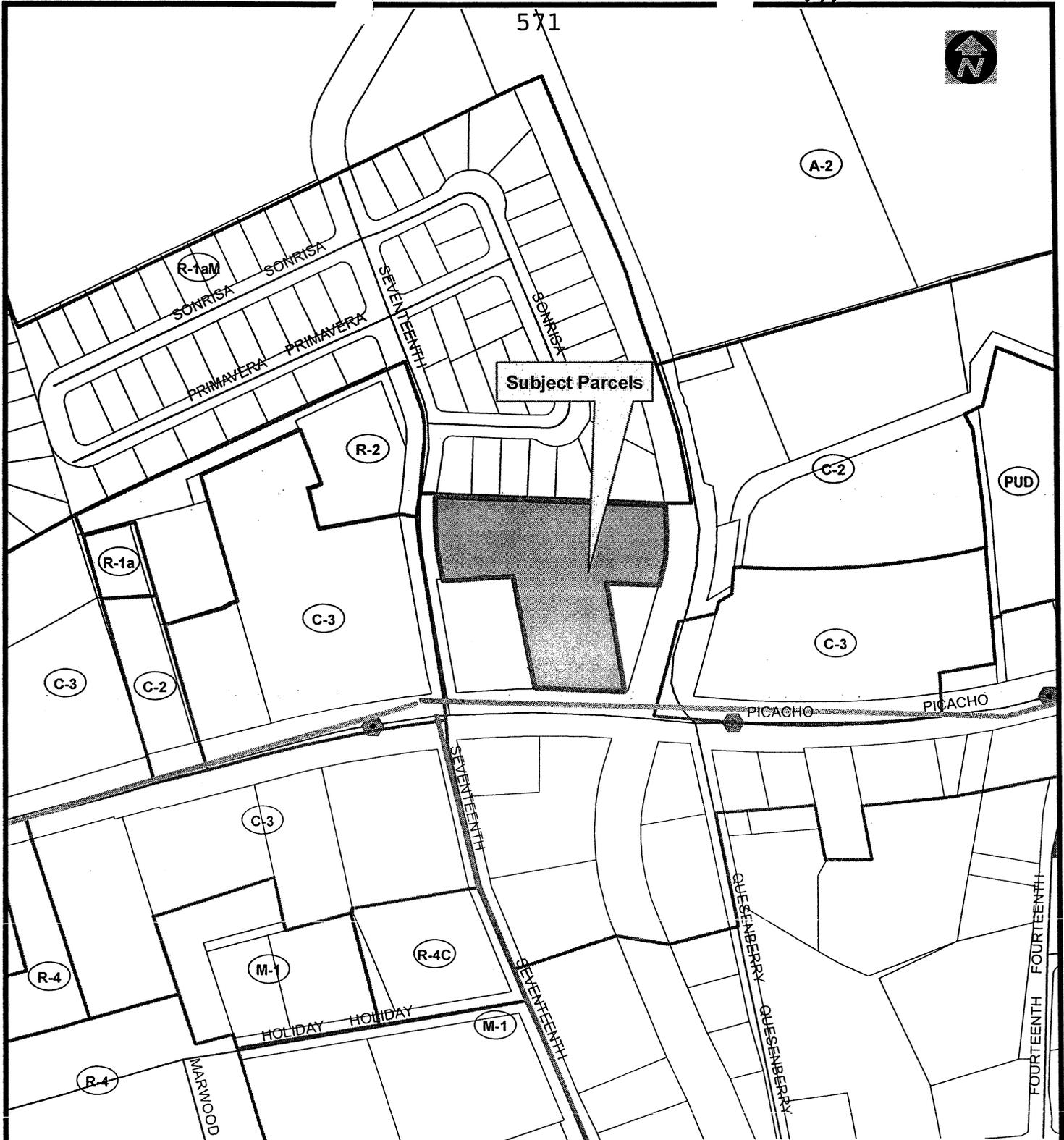
Legend

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



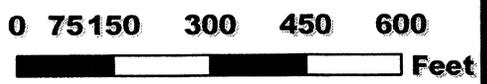
Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

571



VICINITY MAP

CASE NO. Z2820
PARCEL: 02-18069 & 02-00437
OWNER: WILLIAM & LAURA BULLOCK, RICHARD & DENISE DIMSHA,
 STANLEY J. DIMSHA & FRATERNAL ORDER OF EAGLES
ADDRESS: 2040 W. PICACHO AVE. & 980 17TH ST.
ZONING: C-2



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

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 Scholz: Commissioner Crane
3
4 Crane: Aye, findings, discussion and site visit.
5
6 Scholz: Commissioner Stowe
7
8 Stowe: Aye, findings, discussion and site visit.
9
10 Scholz: And the Chair votes aye for findings, discussion and site visit.

11
12 **VI. UNFINISHED BUSINESS**

- 13
14 1. **Case A1707:** A request for a variance to the maximum allowed height for two
15 freestanding flag poles (vertical, non-communication structures) on a residential
16 property located at 5034 Kenner Way and is zoned R-1b (Single-Family High
17 Density). The applicant is proposing to install one flag pole at a height of 45-feet
18 and the other flag pole at a height of 30-feet. The 2001 Zoning Code, as
19 amended, requires that all vertical non-communication structures in all zoning
20 districts meet a minimum setback of one (1) foot for each one (1) foot in height
21 from any residential use or building on an adjacent property. Following this
22 standard, the subject property only allows a maximum height of 20-feet for any
23 vertical non-communication structure. The variance request is for additional 25-
24 feet to the maximum allowed height of 20-feet for one flag pole for a total
25 structure height of 45-feet and for additional 10-feet to the maximum allowed
26 height of 20-feet to the second flag pole for a total structure height of 30-feet.
27 Submitted by DR Horton, Inc., property owner. **(TABLED FROM NOVEMBER**
28 **16, 2010 MEETING)**

29
30 Scholz: Now, under Unfinished Business our first case, then, is case Z2817, a
31 request for a zone change from C-2 to C-3.

32
33 Rodriguez: Mr. Chairman, it should be case A1707.

34
35 Scholz: Oh, I'm sorry. Right. We want to table that indefinitely.

36
37 Rodriguez: But what we'll need to do is, since it was tabled at November 16th, I will
38 need a motion to remove case A1707 from the table.

39
40 Scholz: All right, is there a motion to....

41
42 Shipley: I so move.

43
44 Scholz: Thank you, Mr. Shipley. We don't need a second for that. Okay, it's been
45 moved that we remove this from the table.
46

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.

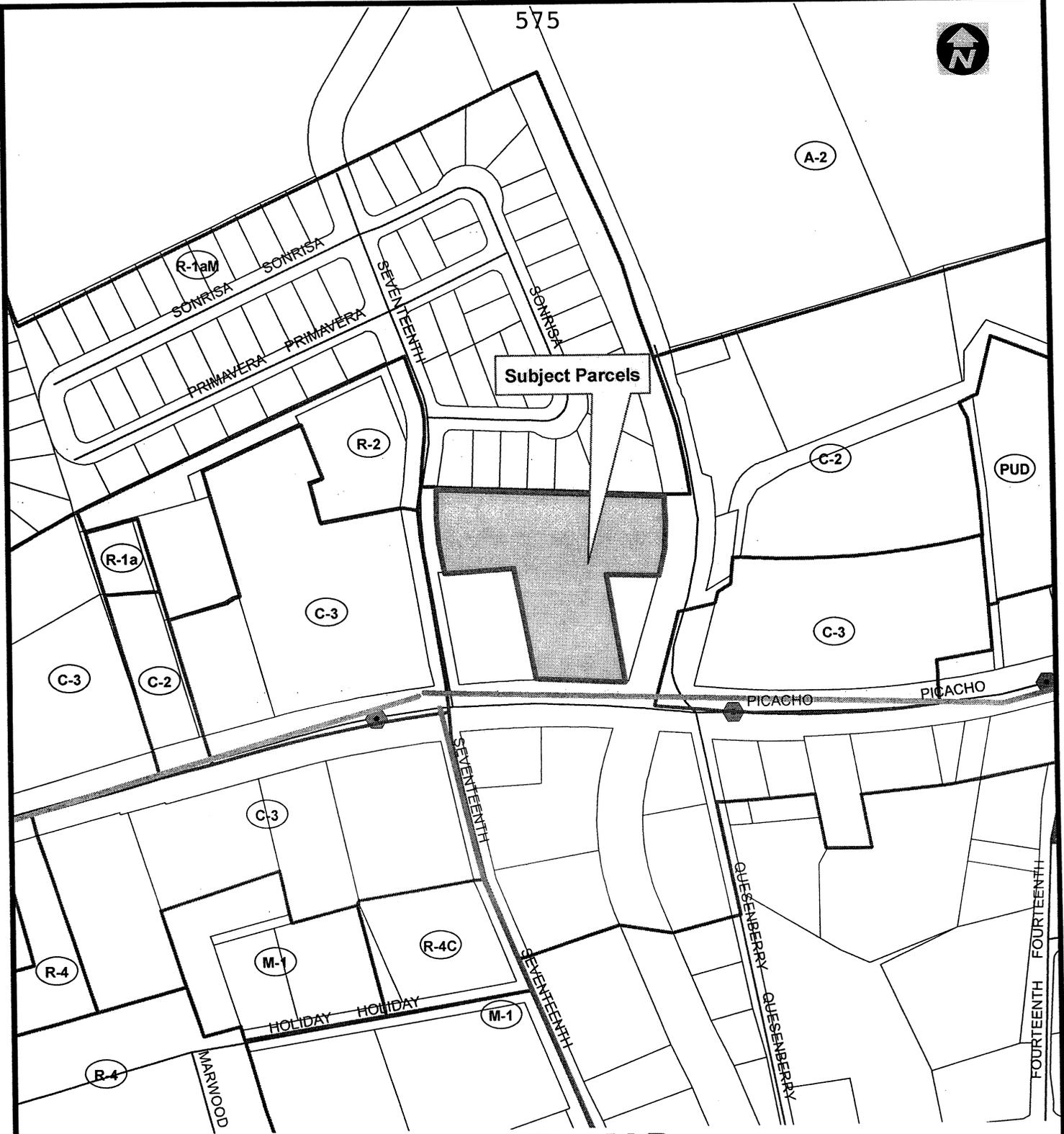
26
27 Scholz: Go ahead.

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.

575



Subject Parcels

VICINITY MAP

CASE NO. Z2820

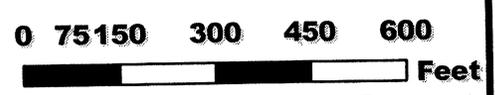
PARCEL: 02-18069 & 02-00437

**OWNER: WILLIAM & LAURA BULLOCK, RICHARD & DENISE DIMSHA,
STANLEY J. DIMSHA & FRATERNAL ORDER OF EAGLES**

ADDRESS: 2040 W. PICACHO AVE. & 980 17TH ST.

ZONING: C-2

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