City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 20 **Ordinance/Resolution#** 2608 **Council District:** 4

For Meeting of March 7, 2011
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2C (RURAL AGRICULTURE-CONDITIONAL) TO WMIP (WEST MESA INDUSTRIAL PARK) FOR 120.14 ± ACRES OF LAND LOCATED AT 0 CRAWFORD BOULEVARD (PARCEL ID 02-24501). THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY THE CITY OF LAS CRUCES. (Z2824).

PURPOSE(S) OF ACTION: To change property zoning from A-2C to WMIP.

Name of Drafter: Helen Revels HR		Department: Community Development		Phone: 528-3085	
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 City of Las Cruces is requesting a zone change from A-2C (Rural Agriculture-Conditional) to WMIP (West Mesa Industrial Park) for property 120.14 ± acres in size located at 0 Crawford Boulevard and is located within the West Mesa Industrial Park. The A-2 zoning district is a defunct zoning district from the 1981 Zoning Code. The condition associated with the zoning district pertained to agricultural uses associated with F&A Dairy.

The subject property is undeveloped and had been previously leased by F&A Dairy. The lease expired in 2007. The City of Las Cruces is requesting a zone change to bring the property into compliance with 2001 Zoning Code, as amended, as it pertains to both the West Mesa Industrial Park Overlay Zone as well as the Las Cruces International Airport Operations Overlay District. The zone change request will allow the property to be developed in accordance with the allowed industrial land uses for the West Mesa Industrial Park. In addition, any development on the subject property must comply with Conical Zone development standards of the Airport Operations Overlay.

The proposed zone change is supported by several Land Use Elements within the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES packet. The proposed zone change will allow the property to be redeveloped and marketed for West Mesa Industrial Park uses.

The zone change request meets the goals, objectives, and policies of the West Mesa Industrial Park Master Plan.

On September 16, 2010, the West Mesa Industrial Park Strategic Planning Committee reviewed the zone change request. It was noted in the meeting that the land may need to be restored as the prior dairy processing uses impacted the soils in a manner that the percolation of water is difficult.

On January 25, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval of the zone change request by a vote of 7-0-0. Prior to the P&Z meeting, staff received a letter of opposition from an adjacent property owner. No public opposition was received at the meeting. The conditions are stipulated as follows: (1) Any new development, at either the subdivision and/or building permit process will require conformance to the West Mesa Industrial Park Overlay Zone District, the Las Cruces International Airport Operations Overlay District, and any other applicable City of Las Cruces requirements; and (2) All new utilities shall be placed underground.

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 Z2824
5. Attachment "B"- Draft minutes from the January 25, 2011 Planning and Zoning Commission
6. Attachment "C"- Public Comments
7. Attachment "D"- Vicinity Map

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	*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 EXPENDITURE 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 generally south of Interstate 10 West and Mountain Vista Parkway and east of Crawford Boulevard, aka 0 Crawford Blvd, with a combined area of 120.14 ± acres, will be rezoned from A-2C (Rural Agriculture-Conditional) to WMIP (West Mesa Industrial Park).

2. Vote "No"; this reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of A-2C (Rural Agriculture-Conditional) will remain on the subject property located generally south of Interstate 10 West and Mountain Vista Parkway and east of Crawford Boulevard, aka 0 Crawford Blvd. The subject property will not be in compliance with the 2001 Zoning Code, as amended, as well as the West Mesa Industrial Park Master Plan.

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. 1385

COUNCIL BILL NO. 11-028
ORDINANCE NO. 2608

AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2C (RURAL AGRICULTURE-CONDITIONAL) TO WMIP (WEST MESA INDUSTRIAL PARK) FOR 120.14 ± ACRES OF LAND LOCATED AT 0 CRAWFORD BOULEVARD (PARCEL ID 02-24501). THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY THE CITY OF LAS CRUCES. (Z2824).

The City Council is informed that:

WHEREAS, the City of Las Cruces, the property owner, has submitted a request for a zone change from A-2C (Rural Agriculture-Conditional) to WMIP (West Mesa Industrial Park) for property located generally south of Interstate 10 West and Mountain Vista Parkway and east of Crawford Boulevard, aka 0 Crawford Boulevard; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on January 25, 2011, recommended that said zone change request be conditionally approved by a vote of 7-0-0 (no 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 WMIP (West Mesa Industrial Park) for property located generally south of Interstate 10 West and Mountain Vista Parkway and east of Crawford Boulevard, aka 0 Crawford Boulevard.

(II)

THAT the conditions be stipulated as follows:

1. Any new development, at either the subdivision and/or building permit process will require conformance to the West Mesa Industrial Park Overlay Zone District, the Las Cruces International Airport Operations Overlay District and any other applicable City of Las Cruces requirements.
2. All new utilities shall be placed underground.

(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:	____

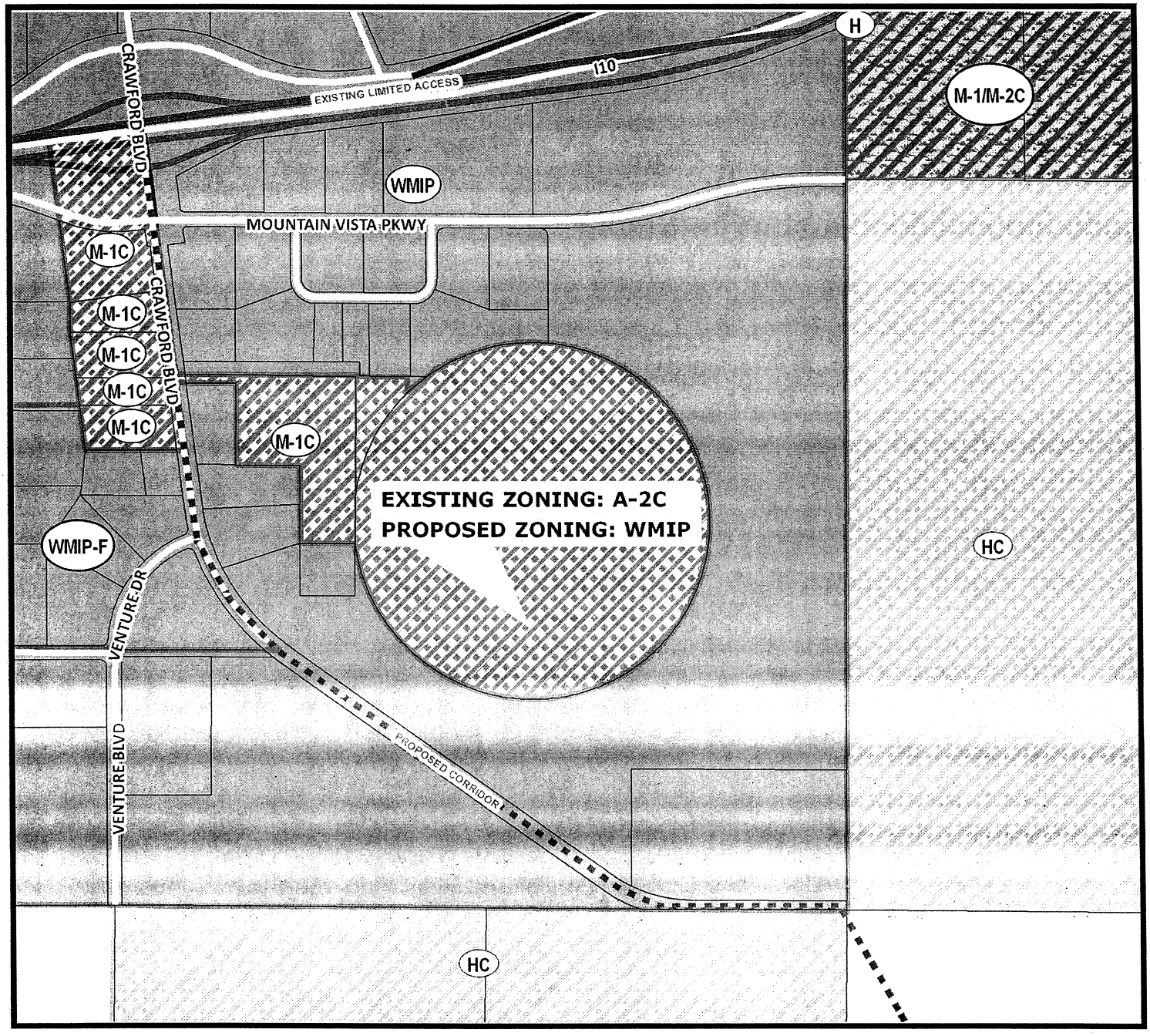
EXHIBIT A

533

ZONING: A-2C
OWNER: CITY OF LAS CRUCES

Zone Map

PARCEL: 02-24501
DATE: 02/10/2011



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

TP, 90, 80, 70, 60

50, 40, 30, 20, 10

EXISTING LIMITED ACCESS
EXISTING PRINCIPAL ARTERIAL
EXISTING MINOR ARTERIAL
EXISTING COLLECTOR
PROPOSED LIMITED ACCESS
PROPOSED INTERCHANGE/UNDERPASS
PROPOSED PRINCIPAL ARTERIAL
PROPOSED MINOR ARTERIAL
PROPOSED COLLECTOR
PROPOSED CORRIDOR
Non Designated Trail
Proposed Paved EBID
Proposed Unpaved EBID
City Parcel
Interstates_Highway
EBID Water System
Railroad
Rio Grande
Arroyo

500 250 0 500 1,000 1,500 Feet

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

EXHIBIT "B"

FINDINGS AND COMPREHENSIVE ANALYSIS

1. The subject property is located on the east side of Crawford Blvd adjacent to F&A Dairy; a.k.a. 0 Crawford Blvd and encompasses 120.14 +/- acres. The property is presently undeveloped.

2. The zone change request from A-2C (Rural Agriculture with Condition) to WMIP (West Mesa Industrial Park) would bring the subject property into compliance with the 2001 Zoning Code, as amended.

3. The rezoning request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

4. Approval of this request would allow the property to be developed and marketed for WMIP uses as defined in the WMIP Overlay Zone District potentially enhancing the community's economy.

5. Any development within the Area of Disclosure of the Airport Operations Overlay District shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended.

<u>Economic Development Element Goal 1 (Business, Industry, and Agriculture) Policies 1.5.1</u>

Implement provisions within the West Mesa Industrial Park (WMIP) Master Plan and Development Strategy and continue recruitment activities.

c. Build streets and provide utilities to individual sites to avoid delays in recruiting and constructing individual buildings within the industrial park.

<u>Utilities Element Goal 1 (Water) Policy 1,1,4</u>

Water lines should be extended to those growth areas in the City as shown on the Future Concept Map (see appendix) as development extends to these designated areas. Emphasis should be given on promoting infill development in order to utilize existing water lines.

<u>Transportation Element Goal 5 (Aviation) Policy 5.1.3</u>

The City shall adhere to Las Cruces Metropolitan Planning Organization's Transportation Plan, the Airport Master Plan, and the West Mesa Industrial Park Master Plan and Development Strategy.

Transportation Element Goal 5 (Aviation) Policy 5.3.1

Support private sector development of airport facilities and the adjacent industrial park through the City's coordination of development activities. A vibrant local airport will enhance the Las Cruces urbanized area's marketability and competitiveness.

Transportation Element Goal 6 (Rail) Policy 6.2.2

Truck access should be considered on all decisions regarding rail uses. Provisions should be made to allow truck-rail freight service to industrial parks.

Transportation Element Goal 6 (Rail) Policy 6.3.3

The City shall support the concept considering a potential rail spur to the West Mesa Industrial Park.

Land Use Element Goal 1 (Land Uses) Policies 1.7.1

Light industrial uses shall be defined as those industrial uses which generate research, development, warehousing and manufacturing activities with minimal impact to the surrounding environment. Light industrial uses and parks shall be established according to the following criteria:

f. The City shall encourage the development of light industrial uses and parks in the West Mesa Industrial Park and East Mesa areas.

Land Use Element Goal 1 (Land Uses) Policies 1.7.2

Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:

e. The City shall encourage the development of standard industrial uses and parks in the 17th Street, West Mesa Industrial Park, and East Mesa areas.

City of Las Cruces®
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: January 14, 2011

CASE #	Z2824
PROJECT NAME:	Zone Change Request A-2C to WMIP
APPLICANT:	City of Las Cruces Economic Development Department
PROPERTY OWNER:	City of Las Cruces
REQUEST:	To rezone from A-2C (Rural Agriculture with Condition) to WMIP (West Mesa Industrial Park)
PROPOSED USE:	Unspecified Light Industrial Uses
SIZE:	120.14 ± acres
CURRENT ZONING:	A-2C (Rural Agriculture with Condition) - condition to allow agricultural uses
LOCATION:	The south side of Interstate 10 West and Mountain Vista Parkway and east of Crawford Boulevard; a.k.a. address 0 Crawford Blvd; Parcel ID# 02-24501
COUNCIL DISTRICT:	4
PLANNING COMMISSION DATE:	January 25, 2011
PREPARED BY:	Helen Revels, Associate Planner
STAFF RECOMMENDATION:	Approval with Conditions

PROPERTY INFORMATION

Address/Location: The south side of Interstate 10 West and Mountain Vista Parkway and east of Crawford Boulevard; a.k.a. address 0 Crawford Blvd; Parcel ID# 02-24501

Acreage: 120.14 ±

Current Zoning: A-2C (Rural Agriculture w/Condition)

Current Land Use: Undeveloped, Formerly utilized by F & A Dairy which adjoins this property to the west.

Proposed Zoning: WMIP (West Mesa Industrial Park)

Proposed Land Use: Unspecified Light industrial uses

Is the subject property located within an overlay district? Yes ☒ No ☐
If yes which overlay district? West Mesa Industrial Park Overlay Zone District and the Las Cruces International Airport Operations Overlay District

Table 1: Site analysis

Development Standards for West Mesa Industrial Park Overlay	
Square Footage Proposed	Unspecified at this time
Minimum Lot Area/Size	1 acre
Minimum lot width/Frontage	60 ft.
Minimum Lot Depth	70 ft. (must not exceed 3 times the lot width)
Minimum Front Setback	25 ft.
Minimum Side Setback	20 ft.
Minimum Secondary Street Side Setback	20 ft.
Minimum Rear Setback	20 ft.
Maximum Building Height	100 ft.
Development Standards for Airport Overlay District – Conical Zone	
The height for this area is defined as a slope extending upward and outward one (1) foot of vertical elevation for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone and extending to a height of three hundred fifty (350) feet above the airport elevation.	

PHASING

Is phasing proposed? Yes ☒ No ☐

If yes, how many phases? Not known at this time

Timeframe for implementation: 3 - 5 years

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Undeveloped	A-2C	Rural Agriculture w/Condition
Surrounding Properties	North	Industrial/ Undeveloped	WMIP	West Mesa Industrial Park Overlay Zone District
	South	Undeveloped	WMIP	West Mesa Industrial Park Overlay Zone District
	East	Undeveloped	WMIP	West Mesa Industrial Park Overlay Zone District
	West	F & A Dairy, Love's Truck Stop, and Undeveloped Areas	WMIP/M-1C	West Mesa Industrial Park Overlay Zone District/Industrial Standard w/Condition

HISTORY

Previous applications? Yes ☒ No ☐

If yes, please explain: Initial Zoning Change Request

Previous ordinance numbers? 1385

Previous uses if applicable: N/A

COMPREHENSIVE PLAN

Elements & Policies

Economic Use Element
1. Goal 1, Policy 1.5.1 c.
2. Goal 1, Policy 1.5.1:

Utilities Element
1. Goal 1, Policy 1.1.4.

Transportation Element
1. Goal 5, Policy 5.1.3.
2. Goal 5, Policy 5.3.1.

Land Use Element
1. Goal 1, Policy 1.7.1.f
2. Goal 1, Policy 1.7.2.e

Analysis: This is a zone change to prepare this land for industrial use within the West Mesa Industrial Park. There are very few policies in the Comprehensive Plan regarding this area and since no specific land uses are proposed. The proposal meets the goals presented above and staff has no objections. Most of the policies in the Comprehensive Plan regarding the West Mesa Industrial Park are related to development in general but aren't necessarily relevant to a specific industrial use proposed. They are noted here for reference, and advanced planning staff has no objections to the proposed zone change.

WEST MESA INDUSTRIAL PARK MASTER PLAN

Elements & Policies

Goal: To develop and market a high quality Industrial park which maintains and enhances the Las Cruces economy and urban environment and which provides Industry with required infrastructure and allows opportunity for future growth and expansion within the Industrial Park.

1. This rezone request is consistent with the objectives and policies defined in the WMIP Master Plan.

Analysis: This is a zone change to prepare this land for industrial use within the West Mesa Industrial Park. The proposal meets the goals, objectives and policies of the West Mesa Industrial Park Master Plan.

LAS CRUCES INTERNATIONAL AIRPORT OPERATIONS OVERLAY ZONE DISTRICT

The purpose of the Las Cruces International Airport Operations Overlay Zone District is to protect the operations of the Las Cruces International Airport from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth and operation of the airport. There are four Airport Operations Overlay Zoning District boundaries; the subject property lies in the Conical Zone which is the area that commences at the periphery of the horizontal zone and extends to a horizontal distance of four thousand feet.

The Conical Zone lies within the Area of Disclosure boundary which requires that any development proposal disclose the proximity of the subject property to the Las Cruces International Airport. Any development within the Area of Disclosure shall adhere to all applicable restrictions stated and outlined in Federal Aviation Regulations (F.A.R.) Part 77 (Height Restrictions) and Federal Aviation Regulations (F.A.R.) Part 150 (Noise and Land Use Compatibility) as amended.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

	CONCERN		
Accessibility Issues	low	med	high
Building Accessibility	☐	☒	☐
Secondary Site/Lot Accessibility	☐	☒	☐
Fireflow/Hydrant Accessibility	☐	☐	☒

Type of building occupancy: F (Industrial)

Nearest Fire Station
Distance: 5,789 ± feet north
Address: 8850 Zia Blvd.
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, building Code, and /or Fire Code. Recommendation of approval

Police Department:

Additional Comments: Police Department did not review this application since there is no development proposed at this time.

Engineering Services:

Flood Zone Designation: Zone X(2) (Outside 500 year flood zone)

Development Improvements: Required

Drainage calculation needed	Yes ☒	No ☐	N/A ☐
Drainage study needed	Yes ☒	No ☐	N/A ☐
Other drainage improvements needed	Yes ☒	No ☐	N/A ☐
Sidewalk extension needed	Yes ☒	No ☐	N/A ☐
Curb & gutter extension needed	Yes ☒	No ☐	N/A ☐
Paving extension needed	Yes ☒	No ☐	N/A ☐

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with the City of Las Cruces Flood Zone Ordinance 1933 and City of Las Cruces Design Standards. On-lot ponding required per building permit application or upon future subdivision activity based on City of Las Cruces Design Standards. Recommendation of approval

New Mexico Environment Department (NMED)

Additional Comments: New Mexico Environment Department (NMED) did not review this application since there is no development proposed at this time.

MPO

Road classifications: Mountain Vista Parkway, Collector, 85' ROW required, 830 ± feet north of subject property. Crawford Boulevard, local, 50' ROW required, 1,224.69 ± feet west of subject property.

Additional Comments: Recommendation of approval

Public Transit

Where is the nearest bus stop? Corner of Hadley Ave. and Motel Blvd., 32,512 feet ± east of subject property

Is the developer proposing the construction of new bus stops/shelters? Yes ☐ No ☐ N/A ☒

Explain: N/A

Traffic Engineering:

Is development adjacent to a State Highway System? Yes ☐ No ☒ N/A ☐

If yes, please specify the reviewing comments by the New Mexico Department of Transportation:

Are road improvements necessary? Yes ☒ No ☐ N/A ☐

If yes, please explain: Any new development, during either the subdivision and/or building permit process will require conformance to the City of Las Cruces Curb Cut Ordinance #1250, the City of Las Cruces Design Standards and the City of Las Cruces 2001 Zoning Code. Recommendation of approval

Future Intersection Improvements

Yes ☐ If yes what intersection?
No ☒ If no, when (timeframe)? Necessary intersection improvements cannot be determined at this time since there is not specific development proposal

Additional Comments: Any new development, at either the subdivision and/or building permit process will require conformance to the City of Las Cruces Curb Cut Ordinance #1250, the City of Las Cruces Design Standards and the City of Las Cruces 2001 Zoning Code.

Was a TIA required? Yes ☐ No ☒ N/A ☐

If yes, summarize the findings:

Did City of Las Cruces Traffic Engineer Require a TIA? No

The proposed use ***will*** ☐ or ***will not*** ☒ adversely affect the surrounding road network.

Site Accessibility

Adequate driving aisle	Yes ☐	No ☐	N/A ☒
Adequate curb cut	Yes ☐	No ☐	N/A ☒
Intersection sight problems	Yes ☐	No ☐	N/A ☒
Off-street parking problems	Yes ☐	No ☐	N/A ☒

On-Street Parking Impacts

None ☐ Low ☐ Medium ☐ High ☐ N/A ☒

Explain: N/A

Water Availability and Capacity:

Source of water: CLC ☒ Other:
CLC water system capable of handling increased usage? Yes ☒ No ☐ N/A ☐
If no, is additional service available? Yes ☐ No ☐ N/A ☐

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit

process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval

Wastewater Availability and Capacity

Wastewater service type: CLC ☒ On-lot septic ☐
CLC wastewater service capable of handling increased usage? Yes ☒ No ☐ N/A ☐

If no, is additional service available? Yes ☐ No ☐

Potential problems with gravity wastewater system or system connection? Yes ☐ No ☐ N/A ☒

If yes, can potential problems be handled through development or building permit process?
Yes ☐ No ☐
If development is being served by on-lot septic, please specify review comments by the New Mexico Environmental Department: N/A

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval

Gas Utilities

Gas Availability
Natural gas service available? Yes ☒ No ☐ N/A ☐
If yes, is the service capable of handling the increased load? Yes ☒ No ☐
Need BTUH requirements? Yes ☐ No ☐ N/A ☒

Public Schools

Nearest Schools:

1. Elementary: Fairacres Elementary — Distance: 24,253 ± feet northeast of subject property
   Enrollment: 324
2. Middle School: Picacho Middle School — Distance: 33,926 ± feet northeast of subject property
   Enrollment: 812
3. High School: Mayfield High School — Distance: 38,648 ± feet northeast of subject property
   Enrollment: 2298

Adequate capacity to accommodate proposal? Yes ☐ No ☐ N/A ☒

Explain: No residential development proposed so there should be no impacts to public schools

DESIGN STANDARDS ANALYSIS

Parking

Is there existing parking on the site? Yes ☐ No ☒ N/A ☐

If yes, how many parking spaces presently exist? How many are accessible?

If no, will parking be required for the proposed use? Yes ☒ No ☐ N/A ☐

If yes, how many parking spaces will be required? Parking calculations are based on land uses; the subject property has unidentified land uses and the number of parking spaces required cannot be determined at this time.
How many accessible? Parking calculations are based on land uses; the subject property has unidentified land uses and the number of accessible parking spaces required cannot be determined at this time.

Is there existing bicycle parking on the site? Yes ☐ No ☒ N/A ☐

If yes, describe:

Will bicycle parking be required for the proposed use? Yes ☒ No ☐ N/A ☐

Comments: At time of development, the subject property shall comply with the parking requirements of the West Mesa Industrial Park Overlay District and any other applicable City of Las Cruces requirements.

Landscaping and Buffering

Is there existing landscaping on the subject property? Yes ☐ No ☒ N/A ☐

If yes, is the landscaping adequate to serve the proposed use? Yes ☐ No ☒

If no, what landscaping will be required? At time of development, the subject property shall comply with the landscaping requirements of the West Mesa Industrial Park Overlay District and any other applicable City of Las Cruces requirements.

Are there existing buffers on the subject property? Yes ☐ No ☒ N/A ☐

If yes, are the buffers adequate to serve the proposed use? Yes ☒ No ☐

If no, what additional buffering will be required? At time of development, the subject property shall comply with the buffering requirements of the West Mesa Industrial Park Overlay District and any other applicable City of Las Cruces requirements.

Open Space, Parks, Recreation and Trails

Are there presently any existing open space areas, parks or trails on the subject property?
Yes ☐ No ☒ N/A ☐

Explain:

Are open space areas, parks or trails a requirement of the proposed use?
Yes ☐ No ☒ N/A ☐

Are open space areas, parks or trails being proposed? Yes ☐ No ☒ N/A ☐

Explain: At time of development, the subject property shall comply with the requirements of the West Mesa Industrial Park Overlay District and any other applicable City of Las Cruces requirements.

Table 3: Special Characteristics

Characteristic	Applies to Project?	Explanation
EBID Facilities	N/A	N/A
Medians/ Parkways Landscaping	N/A	N/A

Table 4: Project Chronology

Date	Action
December 1, 2010	Application submitted
December 6, 2010	Case sent out for review
December 28, 2010	Staff discussion
January 9, 2011	Newspaper advertisement
January 14, 2011	Public notice letter mailed
January 14, 2011	Sign posted

WMIP STRATEGIC PLANNING COMMITTEE

On September 16, 2010, the West Mesa Industrial Park Strategic Planning Committee met to discuss the subject property located at 355 Crawford Avenue. Christine Logan with the Economic Development Department with the City of Las Cruces presented the case to the WMIP Strategic Planning Committee. At the meeting the history and background of the subject property were discussed. According to the minutes of the meeting, Ms. Logan discussed former impacts from dairy use on the subject property. There are several ponds located on the property with cheese residue which cannot soak into the soil due to a layer of caliche. Processing the cheese created a lot of salt (sodium) which, when combined with the soil becomes flat alkali or flat crust and prevents percolation of the water.

There is a restoration of the site in progress. At the meeting Councillor Pedroza requested that a Letter of Inquiry be sent from the City asking NMED about the status of the remediation.

SUMMARY AND CONCLUSIONS

The proposed zone change will bring this property into compliance with the 2001 City of Las Cruces Zoning Code and the West Mesa Industrial Park Overlay District. The current zoning designation A-2C is a defunct zoning designation from the 1981 City of Las Cruces Zoning Code. At this time, no specific development plans are proposed for the site but the West Mesa Industrial Park does specify allowed land uses which are attached. Any new development either at subdivision or building permit process will require conformance to the WMIP Overlay Zone District, the Las Cruces International Airport Operations Overlay District and any other applicable City of Las Cruces requirements.

FINDINGS

1. The subject property is located on the east side of Crawford Blvd adjacent to F&A Dairy; a.k.a. 0 Crawford Blvd and encompasses 120.14 +/- acres. The property is presently undeveloped.

2. The zone change request from A-2C (Rural Agriculture with Condition) to WMIP (West Mesa Industrial Park) would bring the subject property into compliance with the 2001 Zoning Code, as amended.

3. The rezoning request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

4. Approval of this request would allow the property to be developed and marketed for WMIP uses as defined in the WMIP Overlay Zone District potentially enhancing the community's economy.

5. Any development within the Area of Disclosure of the Airport Operations Overlay District shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended.

STAFF RECOMMENDATION

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

1. Any new development, at either the subdivision and/or building permit process will require conformance to the West Mesa Industrial Park Overlay Zone District, the Las Cruces International Airport Operations Overlay District and any other applicable City of Las Cruces requirements.

2. All new utilities shall be placed underground.

ATTACHMENTS

1. Development Statement
2. West Mesa Industrial Park Strategic Planning Committee Minutes – September 16, 2010
3. Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan pertinent to this zone change
4. West Mesa Industrial Park Overlay section, 2001 Zoning Code
5. Las Cruces International Airport Operations Overlay section, 2001 Zoning Code
6. Previous Ordinance: Number 1385
7. 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: City of Las Cruces

Contact Person: Christine Logan

Contact Phone Number: 575 541 2286

Contact e-mail Address: clogan e las-cruces.org

Web site address (if applicable): _____

Proposal Information

Location of Subject Property West mesa industrial park

(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: A 2 c

Proposed Zoning: W M I P

Acreage of Subject Property: 120.14 ac

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

Future development for light industrial user

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 2-5 years and will take approximately 3-5 years to complete.

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

tbd

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:

WMIP includes specific design standards

Covenants and Design Standards in place

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*

City of Las Cruces

West Mesa Industrial Park Strategic Planning Committee
September 16, 2010

The following is the Agenda for a meeting of the West Mesa Industrial Park Strategic Planning Committee for September 16, 2010 at **11:00 am**, in City Hall, Training Room 2007-A, 700 North Main Street, Las Cruces, New Mexico.

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City before the meeting by calling 541-2286 (voice) or 528-3157 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers list above.

I. Call to Order

II. Approval of Minutes May 11, 2010

II. Action Items none

III. Information Items
- A) Project overview for Fire Station 7 and Joint Use Training Structure
- B) Current and recent activity in the Park
  - i. Business Activity
  - ii. Land sales
  - iii. Solar Projects
- C) Pivot site (terminated lease site previously used by cheese plant)

IV. Other Items of Interest

V. Adjournment

Next Meeting Scheduled
10:30 am at City Hall
November 18

Information Item C

Res 08-129 adopted November 2007

A RESOLUTION APPROVING AN AGREEMENT BETWEEN F&A DAIRY PRODUCTS INC. AND THE CITY OF LAS CRUCES. THE WEST MESA INDUSTRIAL PARK FUND WOULD PROVIDE FOR UP TO 300,000 GALLONS PER DAY OF WASTEWATER TREATMENT THROUGH THE CITY'S EXISTING WASTEWATER TREATMENT FACILITY IN EXCHANGE FOR EARLY TERMINATION OF THE 123 ACRE PIVOT LEASE CURRENTLY UTILIZED FOR WASTEWATER DISPOSAL.

Agreement

Upon surrender of the Property, City shall accept up to 300,000 gallons per day of wastewater directly from F&A. For a period of 15 years from the date of surrender, volume based charges for treatment of wastewater shall be paid by the City from a non-Utilities Department fund, and F&A shall not be responsible for said charges. F&A shall be solely responsible both for any and all loading surcharges based on the content of the wastewater as specified in the applicable City's West Mesa Industrial Park - Industrial Wastewater Tariff (Council Bill 04-008, Ordinance No. 2022, adopted on 4 August 2003 and as amended hereafter), and for volumes in excess of 300,000 gallons per day based on a daily average.

December 2009 F&A vacated the pivot

F&A sewer payments

December-09	$	476.56
January-10	$	694.12
February-10	$	178.81
March-10	$	314.53
April-10	$	865.06
May-10	$	613.83
June-10	$	344.47
FY2010	**$**	**3,487.38**
July-10	$	-
August-10	$	-
FY2011 ytd	$	-

Significant ponding and erosion concerns on the property

Current zoning is A2c – allows for agricultural use.

Recommend zone change to WMIP, consist with surrounding land

determining which site would be best for the photovoltaic solar installation. The lease is outside of the airport but would be near the proposed fire station. SunEdison has offered to purchase the city-owned land outright.

- enXco has an exclusive lease of 86 acres. They have submitted an Inter-Connect Agreement to El Paso Electric. Their second year's lease payment is due in October.
- F & A Dairy is proposing a solar project for their own use just to run their power plant.

Start → **c. Pivot site**

Christine Logan gave an update on the pivot site that F & A Dairies had given back to the city. F & A Dairies got the site in 1997. In 2007 we had a Resolution in which F & A Dairies would give up the site and pump their waste water to the south of their property. In exchange for giving up the land early the city would pay the volume charge for their sewer up to 300,000 gallons per day. About $250K has been set aside to pay for land reclamation for the next 15 years. The amount of last fiscal year's charges, December 2009 through June 2010, paid by the city was $3,487.38.

Councillor Pedroza asked about future plans for the pivot site.

Christine Logan showed a map and discussed the sewer line, buildable lots and a potential road site. The problem with the site is that there are several ponds with cheese residue which cannot soak into the soil due to a layer of caliche.

Gilbert Morales explained that processing the cheese created a lot of salt (sodium) which, when combined with the soil becomes flat alkali or flat crust, prevents percolation of the water. The main concern we have regarding the property is that no one knows what elements are in the soil besides sodium. In the permit F & A Dairy got to vacate the site it contained a closure plan to be submitted to NMED in order to restore the site to its original state. At this point it has not been enforced. Christine Logan discussed the three major ponds, one of which is quite deep and difficult to access. At this point the areas around the ponds cannot be improved with berms, etc.

Councillor Small confirmed that reclamation must be done. Councillor Small expressed concern regarding what could be in the water, particularly in the deep pond. He asked if the City could send someone out to check the water.

Gilbert Morales said NMED would require representative sampling of the water. Dirt sampling should be done before any dirt work could begin. The testing would be quite expensive but he strongly recommended testing should be done before any plans are submitted for reclamation.

Councillor Small asked if analyses could be run on the ponds first then we could create a plan for the entire site.

Councillor Connor said that to do so would require a long list of things we have to comply with and we are not ready to start the motion because we are not ready to utilize the land.

Christine Logan stated that we are not doing to anything to change the nature of the site at this time. We are just watching it because the water was cleaned and released from the plant so there is no reason to believe that it is anything but stagnant water. There may be a simple answer but we have to wait until we find out what, if anything, is there and possible methods to address it.

Councillor Pedroza suggested a Letter of Inquiry from the City to NMED asking about the status of remediation of the land.

Christine Logan said it would have to request the status of the permit and she will proceed with the request.

Christine Logan said the site is zoned for agriculture. The long-term plan is to redevelop and sell it for industrial so we will begin the zone change process at this time to convert to WMIP overlay zone as discussed when the pivot lease was terminated. END

V. Other Items of Interest

None

VI. Adjournment (12:02 pm)

Councillor Pedroza requested a motion to adjourn.
Councillor Small made the motion.
Mike Johnson seconded the motion.
All in favor.

_____

Chairperson

Z2824 COMP PLAN ANALYSIS

Economic Development Element

Goal 1: Business, Industry, and Agriculture

To provide strong development policies that allow for the retention, expansion, and attraction of existing and new businesses and industries in and to Las Cruces.

Policy 1.5.1 Implement provisions within the West Mesa Industrial Park (WMIP) Master Plan and Development Strategy and continue recruitment activities.

Policy 1.5.1 c. Build streets and provide utilities to individual sites to avoid delays in recruiting and constructing individual buildings within the industrial park.

Utilities Element

Goal 1: Water

To provide an adequate and reliable supply of safe, clean drinking water at an affordable cost to the resident's of Las Cruces.

Policy 1.1.4 Water lines should be extended to those growth areas in the City as shown on the Future Concept Map (see appendix) as development extends to these designated areas. Emphasis should be given on promoting infill development in order to utilize existing water lines.

Transportation Element

Goal 5: Aviation

Maximize General Aviation activity and convenient Commercial Aviation meeting the needs of the local service area, and to support aviation-related industrial and transportation development at the Las Cruces International Airport.

Policy 5.1.3 The City shall adhere to Las Cruces Metropolitan Planning Organization's Transportation Plan, the Airport Master Plan, and the West Mesa Industrial Park Master Plan and Development Strategy.

Policy 5.3.1 Support private sector development of airport facilities and the adjacent industrial park through the City's coordination of development activities. A vibrant local airport will enhance the Las Cruces urbanized area's marketability and competitiveness.

Goal 6: Rail:

Enhance rail transportation as a viable alternative mode for goods and a potential mode for people.

Policy 6.2.2 Truck access should be considered on all decisions regarding rail uses. Provisions should be made to allow truck-rail freight service to industrial parks.

Policy 6.3.3 The City shall support the concept considering a potential rail spur to the West Mesa Industrial Park.

Land Use Element

Goal 1: Land Use

Policy 1.7.1 f. The City shall encourage the development of light industrial uses and parks in the West Mesa Industrial Park and East Mesa areas.

Policy 1.7.2 e. The City shall encourage the development of standard industrial uses and parks in the 17th Street, West Mesa Industrial Park, and East Mesa areas.

Sec. 38-46 WMIP - West Mesa Industrial Park Overlay Zone District

A. PURPOSE. The purpose of the West Mesa Industrial Park Overlay Zone District is to implement land use and urban design policies as established in the West Mesa Industrial Park Master Plan and Development Strategy. Specifically, the purposes of this Zone are to specify provisions which will guide the development of the West Mesa Industrial Park, promote and encourage a growing economy, protect the natural and existing environment within the Park, provide clean industry and employment for the City of Las Cruces and its residents, and develop, maintain and enhance existing commercial and industrial uses and the aesthetic features of the Park.

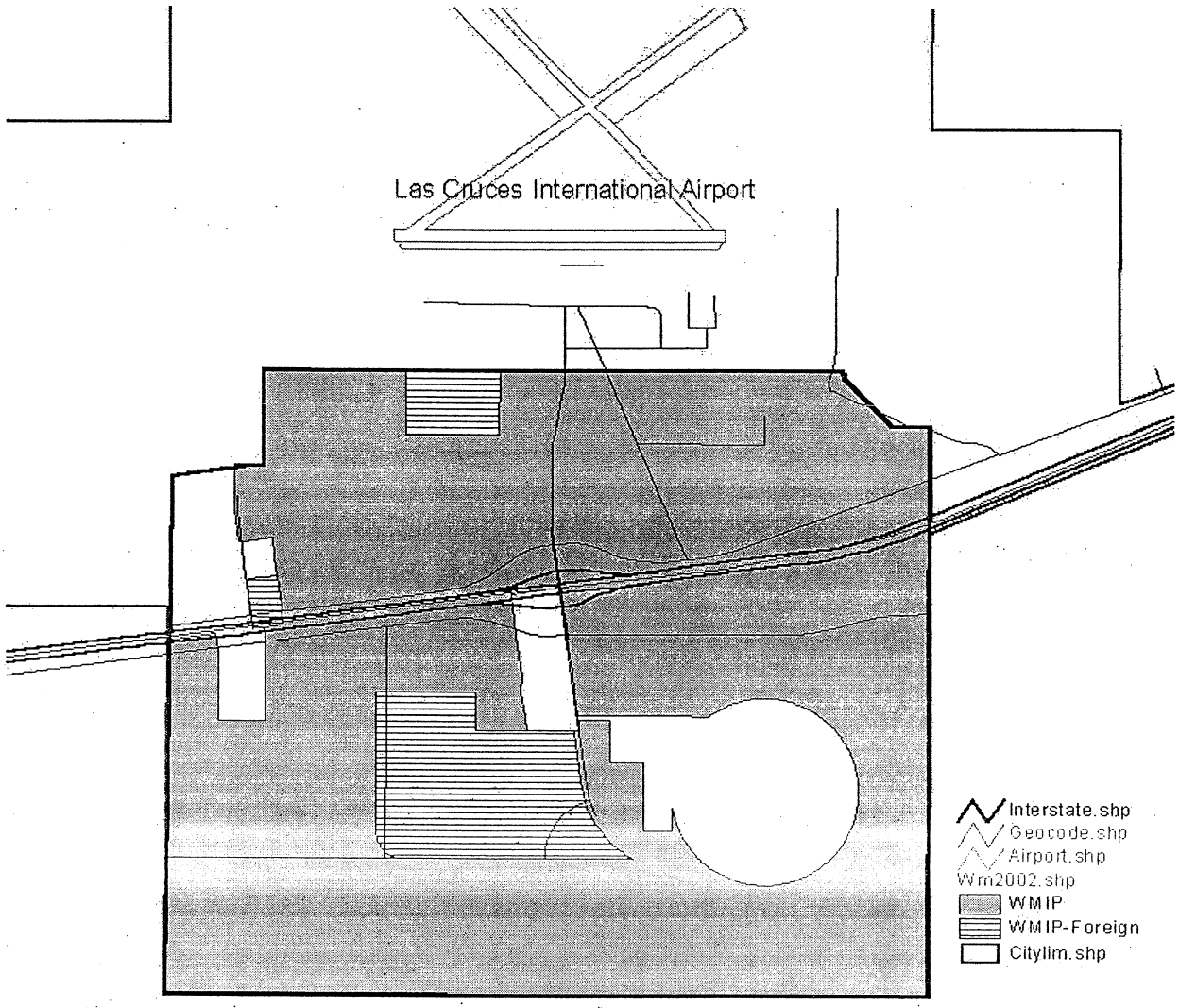
B. DELINEATION OF INDUSTRIAL PARK OVERLAY ZONE DISTRICT BOUNDARIES. The West Mesa Industrial Park Overlay Zone District shall include all properties shown on the following map. A legal description of the Overlay Zone and the Foreign Trade Zones are contained in Section 38-46, F.4.

C. DEVELOPMENT STANDARDS, PERMITTED USES, AND PROHIBITED USES. There shall be no development or alteration of the lands, uses, or structures within this Overlay Zone District except as provided for by this section of the City Zoning Code from the date of its enactment, and other sections of the City Zoning Code and other City Codes and Ordinances where applicable. Development requirements and permitted uses shall be established for this Overlay Zone District as follows:

1. DEVELOPMENT STANDARDS - ALL AREAS. The following development standards shall apply to all areas within the Industrial Park.

Minimum Lot Area/Size	1 acre
Minimum Lot Width/Frontage	60 feet*
Minimum Lot Depth	70 feet*
Minimum Front Setback	25 feet
Minimum Side Setback	20 feet
Minimum Secondary Street Side Setback	20 feet
Minimum Rear Setback	20 feet
Maximum Building Height	100 feet

* The lot depth must not exceed 3 times the lot width/frontage.



WEST MESA INDUSTRIAL PARK
OVERLAY ZONE

2. PERMITTED USES: The following uses are permitted by right within the West Mesa Industrial Park Overlay Zone. All light industrial uses and manufacturing activities

permitted in the M1/M2 (Industrial Standard) Zoning District are permitted in the Industrial Park, excluding any prohibited uses listed below. Additionally, aviation-related commercial and industrial uses as listed in 14 CFR (Code of Federal Regulations), commonly called the Federal Aviation Regulations are permitted within the Overlay Zone.

- Agri-business production, distribution, packaging, and warehousing, including horticulture, floriculture, vegetable growing, plant propagation, nursery operations, and other agricultural activities;
- Assembly of Electronic or Mechanical Parts and Equipment;
- Brewery and Micro-brewery Facilities;
- Business and Professional Offices and Complexes;
- Business Service Establishments;
- Fabrication Shop;
- Florists;
- Foreign Trade Zone Manufacturing and Commercial Uses;
- Freight House or Truck Terminal;
- Heavy Equipment Manufacturing;
- Institutional Uses (non-residential);
- Manufacturing of Consumer Goods, including appliances, batteries, furniture, garments and similar products;
- Medical Centers and Complexes;
- Metal Work and Machine Shops;
- Military and Law Enforcement Agency uses;
- Newspaper, printing shop and distribution of printed material;
- Packaging of Consumer Goods, including food products, cosmetics, pharmaceutical, toiletries, etc.:
- Processing and manufacture of food products, including bakery goods, candies, beverages, etc;
- Police and Fire Stations;
- Rental Car Agency Services;
- Storage of Products, including merchandise, domestic goods, raw materials;
- Truck Stop;
- Warehouse; and
- Wholesale Distribution Centers.

3. COMMERCIAL USES. Commercial uses allowed in the City of Las Cruces M1/M2 Zoning District are prohibited in the Industrial Park, except for those listed in the paragraph above. However, each approved industrial or manufacturing activity may use up to twenty percent (20%) of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use. These uses could include, but are not limited to, a sales office, factory outlet store, and/or commercial sales of products manufactured, assembled, or housed on the parcel. Stand alone commercial uses, not associated nor attached to an industrial use within the WMIP, shall not exceed a floor to area ratio of fifty percent (50%).

4. FOREIGN TRADE ZONES. Uses permitted within the Foreign Trade Zones shall be limited to operations related to the importation of foreign goods for processing or assembly, where a certain portion of the goods are not subject to customs duty, per Federal Foreign Trade Zone Regulations. All activities in the Foreign Trade Zones shall have written approval by the appropriate authority.

5. AIRPORT ACCESS. Direct access to the Las Cruces International Airport Aircraft Movement Areas is prohibited unless authorized by, and in conformance with the Federal Aviation Regulations.

6. PERMITTED USES - WITH CONDITIONS. The following uses are permitted in accordance with the stated provisions:
   a. Automobile Parking Lot and Garage. Such structures are limited to the north side of the Industrial Park.
   b. Bus Terminal and Garage. Such structures are limited to the north side of the Industrial Park.
   c. Exterior Storage Areas. Permitted only when all areas are screened with a Type "A" - Opaque Landscaping Screen, as defined within the Landscaping Section of the Las Cruces Design Standards or behind solid fencing (i.e. masonry or rock walls), on any combination of landscaping and solid fencing. Exterior Storage Areas shall be screened from view from any street.
   d. Microwave Radio Relay Structures and Towers. Such structures are limited to the Northeast Quadrant of the Industrial Park.
   e. Pool and Billiard Room. Such uses are limited in placement only as part of a restaurant and/or hotel.
   f. Public Utility Stations, Substations, Installations, and Wells. Permitted only when all areas are screened with a Type "B" - Semi-Opaque Landscaping Screen, as defined within the Landscaping Section of the Las Cruces Design Standards or behind solid fencing (i.e. masonry or rock walls), on any combination of landscaping and solid fencing.
   g. Sign Construction and Sales. Permitted only when all exterior storage and construction areas are screened with a Type "A" - Opaque Landscaping Screen, as defined within the Landscaping Section of the Las Cruces Design Standards or behind solid fencing (i.e. masonry or rock walls). Exterior Storage Areas shall be screened from view from any street.
   h. Swimming Pools . Such uses are limited in placement only as part of a hotel and/or motel.

7. PROHIBITED USES. The following uses are prohibited within the Industrial Park.
   - Adult Amusement Establishments
   - Adult Bookstores/Video Stores
   - Amusement Park or Enterprise (temporary or permanent)
   - Automobile, Truck (Pick-up) and Camper Sales, Service and Repair
   - Boat Sales, Service and Repair

- Body Shop
- Fence and Wall Sales and Storage
- Firewood Sales and Storage
- Flea Market
- Funeral Home and Mortuary, including Crematorium and Columbarium
- Golf Course
- Heavy Equipment Sales, Service and Repair
- Household Appliance Sales, Service and Repair
- Kennels
- Lumber Yard
- Miniature Golf Course
- Mobile Home Parks and Subdivisions
- Mobile Home Sales, Service and Repair
- Motorcycle Sales, Service and Repair
- Paint Supplies and Sales
- Recreational Vehicle Parks
- Residences (exclusive of night watchmen, security, and oversight residences)
- Skating Rink
- Stables
- Stadiums (any type)
- Storage of wrecked and/or dismantled vehicles and parts (excluding aviation-related equipment and vehicles)
- Storage Units
- Theater (indoor/outdoor/drive-in)
- Tire Sales, Service and Repair
- Wrecker Services

D. NON-CONFORMING USES. Non-conforming uses within the West Mesa Industrial Park Overlay Zone District shall be subject to Non-Conforming Use Provisions of the City Zoning Code. For any proposed addition or expansion of structures with non-conforming architectural styles existing at the date of adoption of this ordinance, the addition/expansion shall utilize the required architectural styles listed in the following design standards, or an architectural style compatible to the existing structure.

E. URBAN DESIGN STANDARDS. To insure quality property development, expansion, and renovation, the following requirements regulating urban design are established in this Overlay Zone District.

1. ARCHITECTURAL DESIGN AND BUILDING PLACEMENT. Architectural design standards are established for this District in order to create uniformity of physical design consistent with the overall intent of the District in providing for cohesive characteristics and building design among the individual developments within the Industrial Park.

a. Architectural Design Standards. These standards are established as follows:

Pueblo, Spanish Colonial, Territorial, Mission and other southwest architectural styles shall be strongly encouraged for facades treatments facing a street or a side street. (For information regarding other allowable styles, please refer to *New Mexico Historic Building Inventory Manual, Section VI. Introduction to New Mexico Architectural Styles.)*

b. Building Facades Facing Crawford Boulevard, the Frontage Roads, and Interstate 10. All building facades facing Crawford Boulevard, the frontage roads, or the Interstate must utilize one of the southwest style architectures outlined above. This shall apply to the front facade and any side facades that are visible from the subject streets. The architecture shall extend the full length of the wall from the ground to the highest point of the wall.

c. Building Facades - Other Frontages. The fronts of buildings facing all streets, other than Crawford Boulevard, the Frontage Roads, or the Interstate, shall use a facade listed above, or be faced with concrete or brick masonry, stone, stucco, or other material. The facing shall extend the full length of the wall from the ground to the highest point of the wall. The remaining portion of the building shall be finished in as attractive a manner as the street facing facade.

d. Metal Building Construction. Metal construction material may be used for the entire building provided any applicable facade treatment listed above shall be provided. Any metal side or rear facades, metal roof panels, building panels, building mansards, soffits, and parapet walls shall use multiple (more than one) color treatments and shall be treated to inhibit rust, except in cases of a building exterior material that is designed to oxidize to a natural state.

e. Architectural Requirements, Exceptions and Modifications.

1) Exclusive of where treated metal walls are permitted, stucco, brick, masonry, stone or other material shall be the material used for all exterior wall surfacing (exclusive of trim details) requiring a facade with an architectural style.

2) The use of single color buildings, regardless of construction material is prohibited.

3) Freestanding walls or fences, if used as a design feature, shall be constructed of adobe, concrete block with stucco veneer, wrought iron, stone, or any combination thereof except that all wall treatments shall be consistent or compatible with the architectural style used for the building(s). Concrete block shall not be used as a finish surface for any facade or freestanding wall.

4) Chain link fencing shall not be permitted to front along any street.

5) All accessory structures such as storage buildings, work shops, and structures used to enhance indoor/outdoor space (e.g. pergolas or other shade devices within courtyards, etc.) shall be constructed and otherwise detailed in a manner consistent with the architecture of the primary building.

6) Temporary and portable buildings shall be permitted for construction purposes only. Use of such buildings shall be limited to six (6) months, with a one time extension of an additional six (6) months. Temporary and portable buildings must be permitted in accordance with the City of Las Cruces Building Code.

7) The use of galvanized corrugated sheet metal roofs is prohibited within the Industrial Park.

8) The use of metallic or metal material for construction shall be treated to inhibit rust, except in cases where the building exterior material is designed to oxidize to a natural state.

9) Addresses shall be properly displayed on all buildings in accordance with adopted City of Las Cruces addressing requirements.

2. LANDSCAPING STANDARDS. Landscaping standards are established for this District to create a more uniformly landscaped District, establish a landscaping theme for the District, and to ensure the use of quality landscaping material to accomplish those goals. Landscaping will also screen or buffer parking lots from the right-of-way and soften their overall impact. The quantities of landscaping materials, such as trees, shrubs and ground cover; the required landscaping of designated parking areas, recommended plant materials, and required maintenance and irrigation system shall adhere to the Landscaping Standards of the City of Las Cruces Design Standards, and to the following:

a. Landscaping Calculations and Definitions. For all developments within the District, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

Lot Size	Percentage Landscaped
1.00 to 2.00 acres	12%
2.01 to 3.00 acres	11%
3.01 to 4.00 acres	10%

4.01 to 5.00 acres	9%
5.01 to 6.00 acres	8%
6.01 to 7.00 acres	7%
7.01 to 8.00 acres	6.5%
8.01 to 9.00 acres	6%
9.01 to 10.00 acres	5.5%
>= 10.01 acres	5%

b. Landscaping Location Criteria. All areas within the front and any other street-side setbacks of the property shall be landscaped. Any required landscaped area and material that does not fit within these setbacks shall be placed within the rear and side setbacks, or used in common areas or as screens. All landscaping materials used to provide required buffer strips or screening may be counted toward the required landscaped area and material.

c. Requirement to Use Ground Cover Materials. Ground cover material consisting of bark, pecan shells, decorative stone, or river rock shall be used on any ground surface which have been disturbed. Excessively large expanses (greater than 500 square feet) of rock, unless vegetation is incorporated, shall be prohibited.

d. Prohibited Landscaping Materials. The use of black lava rock as a ground cover, or Mulberry trees as landscaping plant material, is prohibited.

3. SCREENING AND BUFFERING REQUIREMENTS. Screens are required to block or buffer those items that might be considered unsightly or detract from the overall look of the building, site, or structure. Plant material, berms, walls, or combinations thereof shall be used to visually screen parking lots, loading docks or bays, and outside plumbing and electrical equipment for all buildings.

a. Screen Materials and Forms. Walls, berms, hedges, or other landscape features are suitable for use as screens and buffers.

b. Built to Prevent Erosion. Berms and other screen/buffering material shall be built so to not create water run-off or other erosion problems.

c. Sight Triangle to Remain Clear. Screening and/or buffering shall not violate or encroach on the required clear sight triangle for street intersections, or at the entrances and exits of parking lots.

d. General Rule on Placement. Walls used for buffering/screening purposes shall be located closer to the area or structure they are intended to buffer than the street.

e. Parking Lot Buffer Strip.

1) A minimum fifteen (15) foot wide landscape buffer strip shall be required between parking lots and the property line for the entire width of the property along the street that provides primary access to the property.

2) All buffer material shall be at least four (4) feet tall, measured from the top of the curb to the top of the buffer. If plant material is used, the plant material used should attain a height of at least 4' in three (3) growing seasons.

f. Loading Docks/Bays and Service Areas Screens.

1) Screens for service areas shall be at least 6' tall and block the view of all service areas from all streets, the Interstate, and the Frontage Roads. If plant material is used, the plant material used should attain a height of at least 4' in three (3) growing seasons.

2) Walls used for screening shall be made to look like or be a part of the chosen architectural style for each lot or building.

3) Bay doors must be color coordinated with the building color.

g. Exterior Mechanical/Plumbing and Electrical Equipment Screens.

1) All outside mechanical/plumbing and electrical equipment shall be made a part of, to the extent possible, the building architecture and shall be located on the sides and/or rear walls of buildings, and more specifically shall not face front or side streets, the Interstate, the

Frontage Roads, or Crawford Boulevard.

2) All outside mechanical/plumbing and electrical equipment shall be painted to compliment or match the primary color used for the building, or shall be screened with garden walls, parapet walls, berms, hedges, or other landscape features. The height of the screen will be at least as tall as the equipment it is intended to screen.

3) Outside mechanical/plumbing and electrical equipment that must be elevated above the ground on tall supports shall be prohibited, unless required by an adopted Plumbing, Mechanical or Building Code, or required for building efficiency for Industrial Uses of the Industrial Park. Elevated equipment in these instances must either be screened or painted to compliment or match the building, and placed along the rear or sides of the building, not facing a street. Elevated equipment must be shown on all building plans.

4) All roof mounted mechanical/plumbing and electrical equipment must either be screened by a parapet wall, building mansard, roof panels, or building panels, or shall be painted to compliment or match the primary color used for the building, and should be placed, to the extent possible, to the rear and sides of the building and not any street front.

4. SIGN REQUIREMENTS. These regulations are established to govern the aesthetics, height, overall size and type of signs and exterior lighting, consistent with City goals for Industrial Park Development. All signs shall comply with the City's Sign Code except as outlined below.

1) Freestanding Signs.

a. Freestanding signs for each lot shall be limited to one (1) ground sign per street frontage with the following requirements. This provision shall also apply to multiple businesses occupying one lot. Signs shall be in scale with the building height and length; however, no ground sign shall exceed 12' in height anywhere within the Industrial Park.

2) Attached Signs. The number and size of attached signs shall be in scale with the building height and length.

3) Sign design.

a. Landscaping shall be placed around all freestanding signs and may be used in meeting the landscaping requirements.

b. Ground signs shall match the architectural style, color, materials and ornamentation of the main building(s). Attached signs may be of contrasting color(s), but must blend with the architectural style, color, materials and ornamentation of the main building(s).

c. For all lots with more than one ground sign or more than one attached sign, all ground signs shall be of uniform design and materials; and all attached signs shall be of uniform design and materials, whenever possible.

4) Other Approved Signs.

a. Temporary construction signs shall be permitted in accordance with the Las Cruces Sign Code, except for the following:

1. For properties less than 10.0 acres, one sign is permitted not to exceed 64 square feet in sign area and 8 feet in height.

2. For properties in excess of 10.0 acres, one sign is permitted not to exceed 96 square feet in sign area and 8 feet in height.

3. Contractor identification signs on temporary construction trailers are permitted subject to the following conditions:

(a) Construction trailers cannot be located at the construction site property prior to a building permit issuance, and must be removed from the property on or before of the date for the issuance of a Building Final Certificate of Occupancy.

(b) Contractors shall place construction trailers in locations which are both efficient for construction operations but also less visible from Interstate Highway 10 and/or collector streets in the Industrial Park.

5) Prohibited Signs.

a. Banners.
b. Portable Signs.
c. All billboards.
d. Development Identification Signs.
e. All temporary signs except for those permitted in Section 4) above.
f. Window signs.
g. Product decal signs, except approved Company logo replication on property signs.

6) Lighting Standards For Signs.

a. Illumination for both freestanding and attached signage shall include exterior illumination only.

b. Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

5. LIGHTING REQUIREMENTS. Lighting shall adhere to City of Las Cruces Municipal Code (Chapter 39) standards for all exterior lighting.

6. PARKING REQUIREMENTS. The required number, size, construction, maintenance standards, and wheel stop requirements for all parking stalls and driving/back-up aisles for an individual business shall be calculated in accordance with the Las Cruces Zoning Code 2001, as amended. Parking Exception. No parking stalls shall be permitted within 15' of the front property line of any lot within the Park, and said 15' shall be appropriately screened in accordance with Screening Requirements listed in Section 5.8,E.3.e. above.

F. ADMINISTRATION OF OVERLAY ZONE DISTRICT. All new development shall require City approval. To ensure that the development standards of the West Mesa Industrial Park Overlay Zone District are met, a process for submittal and review of applications for development is hereby established.

1. WEST MESA STRATEGIC PLANNING COMMITTEE. The West Mesa Strategic Planning Committee has been established by the City Council of the City of Las Cruces. This Committee operates in accordance with the enacting Resolution and Article V, Boards and Commissions, of the Las Cruces Municipal Code.

2. SUBMITTAL AND REVIEW REQUIREMENTS. Submittal and review requirements are established for all new development to protect persons and property in the District, as directed by the West Mesa Industrial Park Master Plan and Development Strategy.

a. Subdivisions. Submittal, review, and approval of subdivisions, including replats of previously platted lots, where allowed by the Subdivision Code, within the District will follow the Alternate Summary Subdivision Procedure of Chapter 37, the City of Las Cruces Municipal Code.

b. Buildings and Signs. Building plans and sign permit applications will be submitted for approval to the Community Development Department in accordance with the respective Code (Building Code, 1995, as amended, or the Sign Code, 1991, as amended).

c. Variances. The West Mesa Strategic Planning Committee is authorized to grant variances in accordance with the criteria established for the Planning and Zoning Commission to grant variances as outlined within Section 38.10.I

of this Code, as amended.

3. APPEALS. Appeal procedures are established for any person that is affected by a decision of an administrative official, commission, committee, or board in the enforcement of the West Mesa Industrial Park Master Plan and Development Strategy and this Section.

a. In the event that an application for any development is denied by the City Staff or the West Mesa Strategic Planning Committee, based on interpretation of the West Mesa Industrial Park Master Plan and Development Strategy and this Ordinance, and an agreement of interpretation cannot be reached, or any aggrieved person that is affected by a decision of City Staff or the Committee, and all other procedures established by this Section have been exhausted, the applicant or aggrieved person may file an appeal, in writing, to the City Council through the Community Development Department within fifteen (15) days of the decision.

b. Such appeal shall be filed in accordance with Section 38-13 of this Code.

c. The appeal will be processed by the City to be considered at the next available Public Hearing in accordance with notice requirements of Section 38-13 of this Zoning Code.

d. Any person aggrieved by a determination of the City Council may appeal to the District Court within thirty (30) days after the determination made by City Council, in accordance with Section 38-14 of this Zoning Code.

4. LEGAL DESCRIPTION. Legal Descriptions of the Overlay Zone and Foreign Trade Zones are below. Information in the preparation of this description derives from plats provided by the City of Las Cruces, Interstate right-of-way maps and Warranty Deeds of record. "NOTE: THIS DESCRIPTION IS TO BE USED FOR ZONING PURPOSES ONLY AND IS SUBJECT TO FIELD VERIFICATION."

A parcel of land situate within the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico, and being comprised of the following three tracts:

That portion of Sections 26, 34 and35,T.23S., R.1W., NMPM of the USGLO Surveys that lies south of the right of way boundary of Interstate Highway 10, containing 1285 acres of land, more or less.
SAVE AND EXCEPTING the following described tracts:

15 acres of land described in a special warranty deed filed September 11, 1996, in Clerks Record 64, page 1040-1055 of the Dona Ana County Record.

7.024 acres of land described in a warranty deed fled November 17, 1989, in Deed Record 336, page 413-427 of the Dona Ana County Record.

Parcels 1, 2, 3, and 4 of West Mesa Industrial Park, Plat No. 4 as filed on March 31, 1995, in Plat Record 18, page 232-233 of the Dona Ana County Record.

Parcel A and B of West Mesa Industrial Park Plat No. 5 as filed on May 19, 1995, in Plat Record 18, page 251-252 of the Dona Ana County Record.

That portion of Section 26, T.23S., R.1W., NMPM of the USGLO Surveys that lies north of the right of way boundary of Interstate Highway 10, and is bounded on the north and west by the Las Cruces International Airport containing 200 acres of land, more or less.

That portion of Section 27, T.23S., R.1W., NMPM of the USGLO Surveys that lies north of the right of way boundary of Interstate Highway 10, and is bounded on the north and east by the Las Cruces International Airport containing 280 acres of land, more or less.

SAVE AND EXCEPTING the following described tracts:

2.3875 acres of land described in a warranty deed filed May 14, 1990, in Deed Record 339, page 651-664 of the Dona Ana County Record.

5.971 acres of land described in a special warranty deed filed August 11, 1989, in Deed Record 334, page 103-120 of the Dona Ana County Record.

43 acres of land described in a quit claim deed filed November 221, 1990, in Deed Record 345, page 782 of the Dona Ana County Record.

Foreign Trade Zones.

DESCRIPTION OF A 27.529 ACRE TRACT

A tract of land situate within the City of Las Cruces, Dona Ana County, New Mexico, being part of Section 27, T.23S., R. 1W., N.M.P.M. of the U.S.G.L.O. Surveys and being more particularly described as follows, to wit: Beginning at a point for the Northwest corner of the tract herein described; whence the Section corner common to Sections 27, 28, 33 and 34, T.23S., R. 1W., N.M.P.M. bears S.45E03'38"W., 4671.61 feet; Thence from the point of beginning, N.89E57'45"E., 1310.88 feet to a point for the Northeast corner of this tract;
Thence S.00E03'05"E., 919.85 feet to a point for the Southeast corner of this tract; Thence N.89E35'06"W., 1311.20 feet to a point for the Southwest corner of this tract; Thence N.00E02'02"W., 909.49 feet to the point of beginning, containing 27.529 acres of land, more or less.

DESCRIPTION OF A 4.489 ACRE TRACT

A tract of land situated within the City of Las Cruces, Dona Ana County, New Mexico, being part of Sections 27 and 34, T.23 S., R. 1W., N.M.P.M. of the U.S.G.L.O. Surveys and being more particularly described as follows, to wit: Beginning at a point on the North line of Interstate Highway 10 for the Southeast corner of the tract herein described; whence the Section corner common to Sections 27, 28, 33 and 34, T.23S., R. 1W, N.M.P.M. bears S.88E5 1'59"W., 1596.35 feet; Thence from the point of beginning and along the North line of Interstate Highway 10, S.82E18'00"W., 485.01 feet to a point for the Southwest corner of this tract and point of curvature;

Thence around the arc of a curve to the left, having a radius of 25.00 feet, through a central angle of 89E58'58", with an arc length of 39.26 feet and whose long chord bears N.37E19'00"E., 35.35 feet to a point of tangency; Thence N.07E40'00"W., 391.37 feet to a point for the Northwest corner of this tract; Thence N.73E40'36"E., 60.69 feet to a point for an angle point of this tract; Thence N.82E20'00"E., 400.0 feet to a point for the Northeast corner of this tract; Thence S.07E40'00"E., 425.22 feet to the point of beginning, containing 4.489 acres of land, more or less.

DESCRIPTION OF A 129.002 ACRE TRACT

A tract of land situate in the City of Las Cruces, Dona Ana County, New Mexico, being part of Section 34 and 35, T.23S., R.1W., N.M.P.M. of the U.S.G.L.O. Surveys and being more particularly described as follows, to wit: Beginning at a point for the Northeast corner of this tract herein described being identical to the Southeast corner of Parcel 4, West Mesa Industrial Park Plat No. 4, filed March 1995, in Plat Book 18, Pages 282-283, Dona Ana County records; Thence from the point of beginning, S.07E39'28"E., 442.00 feet to a point of curvature; Thence around the arc of a curve to the left, having a radius of 1300.00 feet, with a central angle of 54E56'12", with an arc length of 1246.47 feet and whose long chord bears S.35E07'34"E., 1 199.27 feet to a point for the Southeast corner of this tract; Thence S.89E58'38"W., 3182.36 feet to a point of curvature for the Southeast corner of this tract; Thence around the arc of a curve to the right, having a radius of 350.00 feet, through a central angle of 89E59'56", with an arc length of 549.77 feet, and whose long chord bears N.45E01'22'W., 494.97 feet to a point of tangency; Thence N.00E01'22"W., 1919.62 feet to a point for the Northwest corner of this tract; Thence N.89E58'38"E., 1373.26 feet to a point for a corner of this tract; Thence S.00E01'22"E., 523.32 feet to a point for a corner of this tract; Thence N.89E58'38"E., 700.98 feet to a point for a corner of this tract; Thence S.07E39'28"E., 330.00 feet to a point for a corner of this tract; Thence N.89E58'38"E., 665.90 feet to the point of beginning, containing 129.002 acres of land, more or less.

G. ENFORCEMENT OF OVERLAY ZONE DISTRICT. Provisions to enforce this Section shall be consistent with the Enforcement Provisions of Section 2.7 of this Code.

THIS PAGE INTENTIONALLY LEFT BLANK

Sec. 38-46.1 AOD – Las Cruces International Airport Operations Overlay Zone District

A. PURPOSE. The purpose of the Las Cruces International Airport Operations district is to protect the operations of the Las Cruces International Airport ("Airport") from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth and operation of the airport. Since the boundaries associated with this district are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.

B. DELINEATION OF AIRPORT OPERATIONS OVERLAY ZONING DISTRICT BOUNDARY.

The boundaries of this district are shown on Map 2 and shall be defined as follows:

1. Precision Instrument Runway Approach Zone

The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide at a point two hundred (200) feet from the end of the Precision Instrument Approach runway of the Airport. The primary surface is a surface longitudinally centered on an airport runway, ending at each end of the runway when it has no specially prepared hard surface and two hundred (200) feet beyond each end of the runway when it has a specially prepared hard surface.

The Precision Instrument Runway Approach Zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the horizontal surface of the Precision Instrument runway. The zone's centerline is an outward continuation of the centerline of the runway.

The height limit for this zone is defined by a slope extending upward and outward one (1) foot of vertical elevation for each fifty (50) feet of horizontal distance for the first ten thousand (10,000) feet beginning at the end of and at the same elevation as the primary surface. From ten thousand (10,000) to forty thousand (40,000) feet, this slope extends at a rate of one (1) foot of vertical elevation for each forty (40) feet of horizontal distance.

2. Horizontal Zone

The Horizontal Zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone extends for ten thousand (10,000) feet as described above to the boundary of the conical zone.

The height limit of structures in the horizontal zone is established at one hundred fifty (150) feet above the airport elevation of four thousand four hundred fifty-six (4456) feet for a total height limit of four thousand six hundred two (4602) feet above mean sea level (MSL).

3. Conical Zone

The conical zone is the area that commences at the periphery of the horizontal zone and extends to a horizontal distance of four thousand (4,000) feet.

The height limit for this area is defined as a slope extending upward and outward one (1) foot of vertical elevation for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone and extending to a height of three hundred fifty (350) feet above the airport elevation.

4. Transitional Zones

These are the areas that extend outward at ninety (90) degree angles to each runway centerline and extended at a slope of one (1) foot of vertical elevation for each seven (7) feet of horizontal distance from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

The height limit for these areas is defined as the slope described above, extending to one hundred fifty (150) feet above the airport elevation.

C. AREA OF DISCLOSURE

This Area is defined as all lands within the Las Cruces City Limits as noted by the Area of Disclosure boundary on Map 1. Within this Area, the subject property's proximity to the Airport shall be disclosed by any person or entity subdividing land. The Area of Disclosure boundary shall be noted in all development proposals.

D. RESTRICTIONS

No residential uses shall be allowed within the Area of Disclosure (shown on Map 1) unless the following requirements are met. These requirements are necessary to mitigate the encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth of the airport.

1. No use may be made of land, water, or electrical power within any zone (includes approach, horizontal, conical, and transitional zones) in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

2. No structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone to a height in excess of applicable height limits established by that zone (includes approach, horizontal, conical, and transitional zones).

3. Effective on the date of this Overlay approval, all land subdivisions within the Area of Disclosure shall require disclosure of the land's proximity to the Airport by any person or entity subdividing land within this area. Disclosure of this information shall be required on the Final Subdivision Plat to be recorded with the Office of the Doña Ana County Clerk

4. Development within the Area of Disclosure shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended.

E. SUBMITTAL AND REVIEW REQUIREMENTS. Submittal and review requirements are established for all new development to protect persons and property in the District.

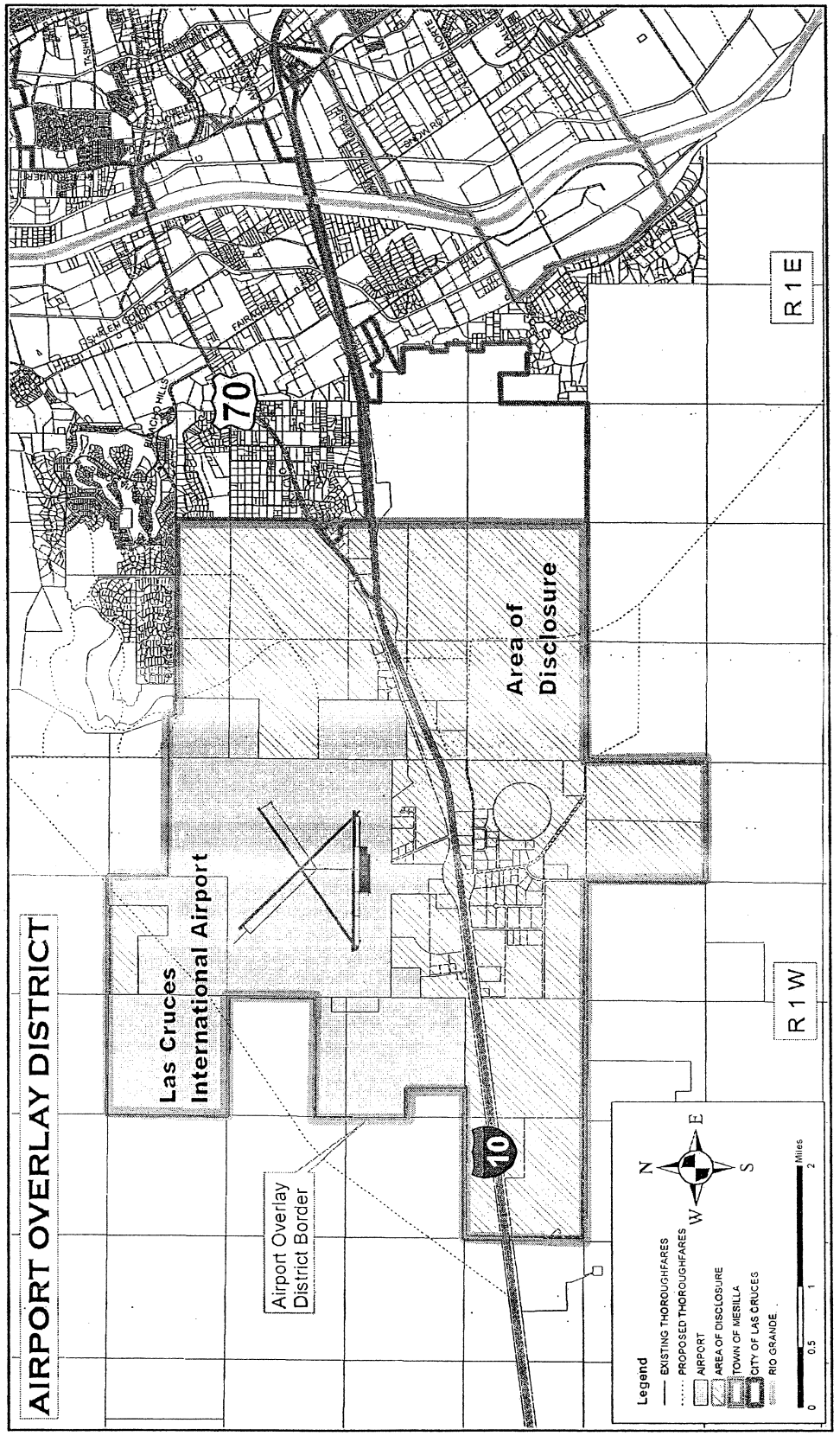
a. Subdivisions. Submittal, review, and approval of all subdivisions, including replats of previously platted lots will follow Chapter 37 of the City of Las Cruces Municipal Code.

b. Buildings and Signs. Building plans and sign permit applications will be submitted for approval to the Community Development Department in accordance with their respective Codes (Chapters 30 and 36 of the Municipal Code).

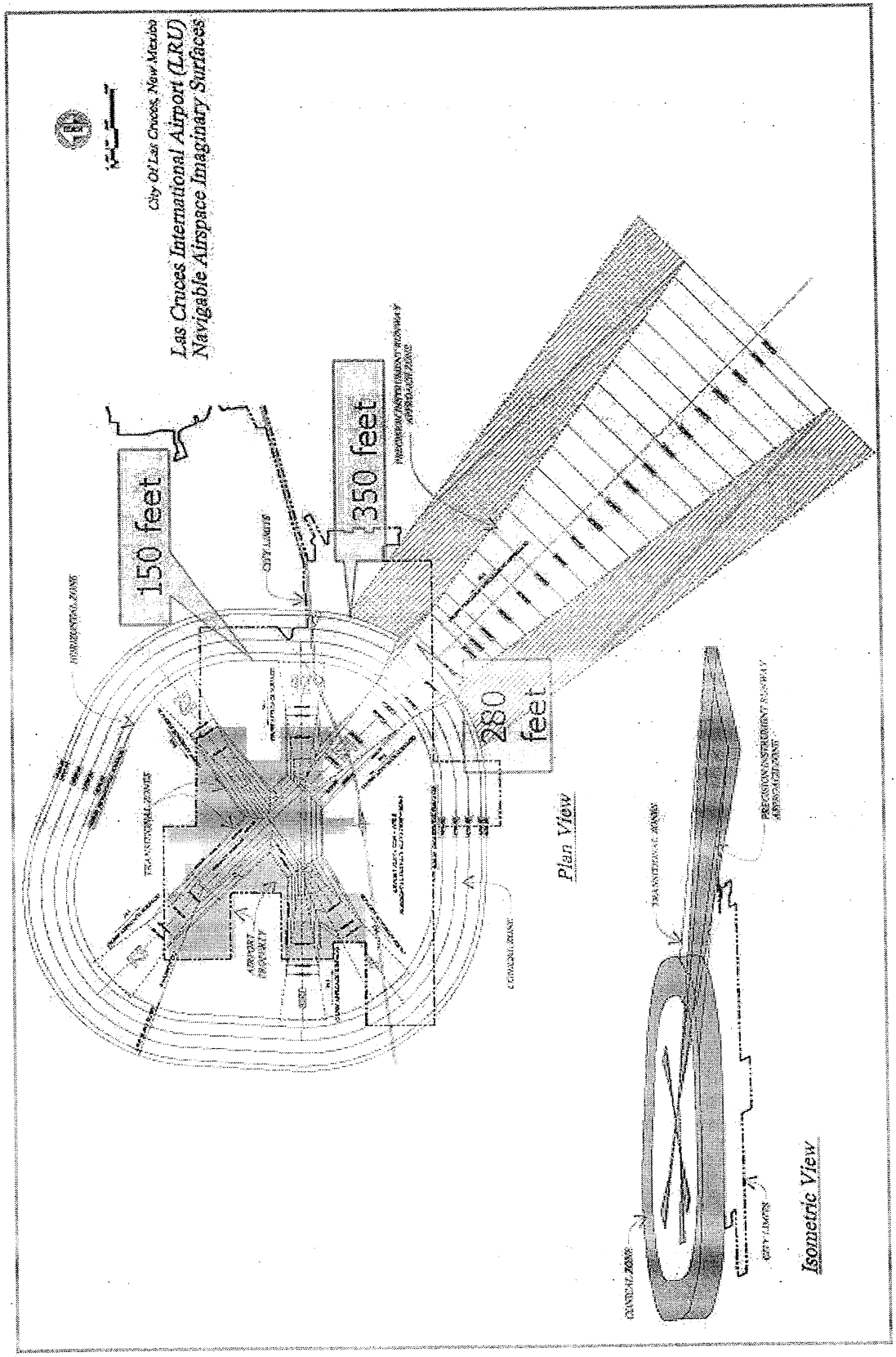
c. Variances. The Planning and Zoning Commission is authorized to grant variances in accordance with the criteria established within Section 38.10.I of this Code, as amended. Said requests shall be accompanied by a written determination by the airport manager as to the merits of the request.

F. APPEALS. Appeal procedures are established for any person that is affected by a decision of an administrative official, commission, committee, or board in the enforcement of this Section in accordance with Section 38-13 of this Code.

Map 1 -- Las Cruces International Airport Overlay District (AOD)



Map 2 Delineation of Airport Operations Zones and FA R 77 Navigable Airspace Imaginary Surfaces.



THIS PAGE INTENTIONALLY LEFT BLANK

COUNCIL BILL NO. 95-004
576
ORDINANCE NO. 1385

AN ORDINANCE ESTABLISHING AN INITIAL ZONING OF A-2C (RURAL AGRICULTURAL - CONDITIONAL) AT 355 SOUTH CRAWFORD BOULEVARD. SUBMITTED BY THE CITY OF LAS CRUCES (CASE Z2239).

The City Council is informed that:

WHEREAS, the City of Las Cruces has submitted a request for initial zoning of a certain parcel of land to A-2C (Rural Agricultural - Conditional). The condition for the property is attached as Exhibit "A" and made part of this ordinance;

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on June 28, 1994, recommends that the initial zoning be APPROVED by the City Council;

WHEREAS, the property is owned by the City of Las Cruces, is located within the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico, and is more particularly described as Exhibit "B", attached hereto and made part of this ordinance;

WHEREAS, the Council finds that it appears to be in the best interest of the City that such property be initially zoned A-2C (Rural Agricultural - Conditional), with the condition described and attached to this ordinance as Exhibit "A" as requested and be changed accordingly on the City Zoning Atlas;

NOW, THEREFORE, the City Council of the City of Las Cruces, New Mexico, determines, orders, and ordains as follows:

(I)

THAT the above property be initially zoned A-2C (Rural Agricultural - Conditional) with the condition described and attached to this ordinance as Exhibit "A" and be changed accordingly and shown on the City Zoning Atlas.

(II)

THAT City Staff is hereby authorized to do all deeds necessary in the accomplishment of the hereinabove.

DONE AND APPROVED this 18 day of July, 1994.

Mayor Ruben A. Smith

ATTEST:

City Clerk
(SEAL)

Moved by: Haltom

Seconded by: Kennon

APPROVED AS TO FORM:

City Attorney

VOTE:

Mayor Smith:	Aye
Councillor Ferralez:	Aye
Councillor Kennon:	Aye
Councillor Valencia:	Aye
Councillor Benavidez:	Aye
Councillor Tomlin:	Aye
Councillor Haltom:	Aye

Exhibit "A"

PROTECTIVE COVENANTS AND DESIGN STANDARDS FOR THE F & A DAIRY PRODUCTS, INC. LEASEHOLD PROPERTY #1 GENERAL CONDITIONS PART I

This Declaration, made the 18th day of July, 1994, by the City of Las Cruces, hereafter referred to as "Declarant".

1. Purpose.

A. Declarant is the owner of certain real property in the County of Dona Ana, State of New Mexico, described in "Exhibit A" which is attached hereto and by reference made a part hereof, more commonly known as the West Mesa Air Industrial Park, (hereafter referred to as the Property.)

B. The purpose of these Protective Covenants is to establish and maintain a planned business and industrial center with certain design standards which may be in addition to those development regulations imposed by the City of Las Cruces, and other governmental entities having jurisdiction over the Property.

C. In order to establish general rules and guidelines for the improvement and development of the Property, Declarant desires to impose upon it mutual and beneficial restrictions for the benefit of all lands in the Property and for the benefit of all future owners of lands in the Property.

2. General Provisions.

A. Declarant, owner of the Property, hereby declares that the Property is now held, and shall be transferred, sold, leased, conveyed, and occupied subject to the Protective Covenants herein set forth, each and all of which shall inure to the benefit of and pass with each and every parcel of the Property, and apply and bind the heirs, assignees, and successors in interest of each and every owner of a parcel or parcels of the Property.

B. Each purchaser of any parcel of the Property covenants and agrees with Declarant, its successors and assigns to use the property only in accordance with the Protective Covenants herein set forth, and to refrain from using the Property in any way inconsistent with or prohibited by the provisions of this Declaration.

C. Each purchaser or user of any parcel of land in the Property shall comply with

all applicable laws of the City of Las Cruces, Dona Ana County, the State of New Mexico and the United States of America.

3. **Design Review Committee.**

A. Declarant hereby establishes a Design Review Committee, hereafter referred to as the "Committee", which shall consist of at least four members. Membership on the Committee shall be as follows: two members of the City Council; the City Manager or his designee; the City Utility Director, or his designee; and the City Development Services Director, or his designee. At least one member of the Committee shall be an Engineer, Architect or Landscape Architect, registered in the State of New Mexico. Declarant shall appoint all members of the Committee, and expand its membership to include other land owners, as may be decided in the future by Declarant.

B. Declarant shall establish rules and procedures for the Committee, including but not limited to procedures for the submittal and review of plans. Declarant may amend these procedures and rules, but shall publish any amendment according to Section 3-1-2, et. seq. NMSA 1978, as amended. The approval and consent of the Committee shall not be unreasonably withheld on matters properly coming before the Committee.

C. The Committee shall exist as long as Declarant owns any parcel or portion of the Property.

D. There shall be no charge for services rendered and reviews undertaken by the Committee.

E. All decisions of the Committee shall be rendered in written format to the applicant.

F. Except with respect to land owned by the City of Las Cruces, no building site or parcel of land within the Property may be divided, subdivided or fractional part thereof sold or conveyed so as to create a new parcel, or combined with any building site or parcel of land without the prior written consent of the Committee.

G. All plans for subdivision, or re-subdivision of land, or construction of any kind upon the Property shall be submitted to the Committee for review and approval, prior to submitting those plans to the appropriate City office and other reviewing agencies for approval. Plans submitted for review by the Committee, if submittal

is complete, accurate and in compliance with submission requirements of the Committee, shall be deemed approved by the Committee, if no action shall be taken within thirty (30) working days from the date of submittal. All plans to be submitted for review by the Committee shall be submitted to the Special Projects Office of the City, at 575 S. Alameda, P.O. Drawer CLC, Las Cruces, NM 88004.

H. Decisions by the Committee shall not be construed as professional expertise and no warranty or liability for construction according to such plans shall be placed on the Committee or Declarant.

I. No application for a building permit, subdivision of land or zone change shall be made for any parcel in the Property, unless said Site Development Plan submittal has first been presented to the Committee for review and approval.

J. For good cause shown, the Committee is expressly granted the authority, in the exercise of its discretion to approve plans, to permit, or to consent to approve a variance from the specific requirements or effect of a particular covenant herein contained.

K. Any aggrieved person that is affected by on administrative decision of any City Board or official may appeal that decision to the City Council. The appeal must be presented in writing to the City within fifteen (15) days of the action causing the appeal.

4. **Permitted, Regulated and Non-Permitted Uses.**

A. The Committee may impose any reasonable condition on activities, such as landscaping, or regulation of grading during certain months of the year, to mitigate the effects of the activity's appearance, noise, traffic, dust and similar impact(s).

B. Activities and uses on the Property shall be constructed, used or occupied to insure that there is no excess noise, vibration, toxic or noxious matter, humidity, heat or glare, liquid or solid waste, at or beyond any lot line of the parcel on which it is located. No activity or use shall emit air pollutants to such an extent that such use is classified as a "Major Stationary Source" by New Mexico Air

Quality Control Regulation #707 and/or 40 CFR Part 51 of the U. S. Environmental Protection Agency.

C. No parcel or structure on the Property shall be used for any heavy manufacturing use, including the following listing:

** Acid Manufacture
** Glue Manufacture
** Airport or Heliport
** Explosive Manufacture or Storage
** Junk Yards, Salvage or Wrecking Yards
** Cement, Lime, Gypsum or Plaster Manufacturing
** Raw Materials Manufacturing, Processing and Extraction
** Stockyards or Slaughter of Animals
** Smelting of Ores
** Fertilizer Manufacture
** Fat Rendering
** Petroleum Refining

5. **Construction of Improvements.**

A. After plans for construction are submitted and approved by the Committee and other appropriate reviewing agencies, owner shall begin construction of buildings and improvements in a timely manner, not to exceed six (6) months after approval, unless further time for construction is requested and approved by the Committee.

B. If any owner fails to complete construction of required and approved improvements, including but not limited to utility lines, paved streets, parking areas, landscaping, Declarant may, after giving due legal notice, construct the required improvements. The costs for Declarant's construction activities shall be recovered by Declarant in accordance with New Mexico State Statutes.

C. The City may require an archeological investigation on certain parcels on the Property, prior to starting construction.

6. **Maintenance of Premises.**

A. All owners and other users of the Property are obligated to keep and maintain the buildings, structures, parking areas, landscaping, signs and other entities of the parcel in an orderly and well maintained condition.

B. All landscaped areas shall be appropriately irrigated and plants, grasses and trees shall be orderly and well maintained. Any areas of disturbed earth not in landscaped areas shall be seeded with native plants and grasses to establish a natural ground cover and thereby reduce blowing dust.

C. All waste, rubbish or surplus materials shall be stored in properly screened enclosures and removed regularly. No materials, supplies, equipment, finished or semi-finished products are permitted to be stored outdoors, except in areas approved by the Committee, as per the approved Site Development Plan.

D. If any owner or other user of a parcel on the Property fails to adequately maintain a building, structure, landscaping, parking lot or other premises, Declarant may, after giving appropriate legal notice, undertake maintenance of that parcel. The cost of Declarant's maintenance activities shall be recovered by Declarant in accordance with New Mexico State Statutes and City Ordinances.

7. Enforcement of Covenants.

In the event of a violation of these Protective Covenants, it shall be lawful for Declarant, or any other owner or person having an interest in a parcel in the Property, to prosecute proceedings at law, or in equity, according to New Mexico State Statutes and City Ordinances, against any owner or user of a parcel in the Property who is violating or attempting to violate any such restriction and covenant, either to prevent any owner or user of a parcel from so doing, or to correct such violation, or to recover damages or other relief for such violation.

8. Severability.

Invalidation of any one or part of any one of these covenants and restrictions by court order shall in no way affect any of the other provisions or parts of provisions which shall remain in full force and effect.

DESIGN STANDARDS PART II

1. The following standards are conditions for the allowed placement, use and occupancy of parcels and structures erected on the parcels within the Property (see Exhibit A, attached) to be followed in conjunctions with the Protective Covenants, and applicable ordinances of the City of Las Cruces.

   These standards can only be amended or revised by the Declarant or their successors and assigns. All parcels in the Property shall meet minimum City standards for infrastructure construction, including design standards for water, sewer, gas, streets, drainage, signs, landscaping, and other construction; building code; zoning ordinance; subdivision regulations; and any other regulations, as required by the City code, City ordinances or city regulations.

2. **Noise Levels**:

   A. Noise level emissions for all parcels in the Property shall not exceed New Mexico State Occupational, Health and Safety Standards.

   B. All owners and users of parcels in the Property are hereby notified that an Airport exists in the nearby vicinity, and that noise levels consistent with an airport, with occasional turbo prop and jet aircraft exist in the vicinity of their Property. This disclosure statement shall be placed on the deed as a matter of notice for all parcels in the West Mesa Air Industrial Park.

3. **Development Standards**:

   A. Parcel Area:

   There shall be the following minimum area requirements per parcels in the West Mesa Air Industrial Park:

Category:	Minimum Lot Size:
Commercial/All Categories	0.5 acre
Light Industrial/All Categories	1 acre
All lots fronting on major Arterials and Collectors	1 acre
Other Uses	Minimum lot size to be determined by Committee

No parcel shall have a lot depth that is greater than 2.5 times its width, unless specifically approved by the Committee.

B. Building Setbacks:

Minimum street frontage setback from property lines for the placing of structures shall be twenty-five (25) feet. No uses shall be made of said setback except for driveways; steps and walkways; landscaping and planters; flag poles; roof overhangs, and entrance signage for larger properties. Parking areas are permitted within the front setback area, except these shall have a minimum fifteen (15) foot setback from the front property line.

The setback line shall be fifteen (15) feet from all rear and side property lines.

No fences or walls are to be placed within the twenty-five (25) foot front setback without Committee approval.

C. Landscaping Requirements:

All landscaping shall be defined per City Design Standards for Landscaping. All landscaping shall be in setbacks, parking lots according to City ordinance, and other areas, as necessary.

Parcels that border on a major arterial or collector, as defined by the Circulation Plan, shall have landscaping percentages as shown on the following table:

Arterial and Collector Parcel
Minimum Landscaping Requirements

Size of Parcel	Percentage of Parcel to be Landscaped
0.5 to 1.0 acre	20%
1.01 to 3.0 acres	12%
3.01 to 6.0 acres	10%
6.01 to 10.01 acres	7.5%
greater than 10 acres	6.0%

The front setback for all parcels fronting on arterials and collectors shall be

landscaped and permanently maintained. In addition, that portion of any building facing a side street other than the street on which the building fronts shall also be landscaped in an attractive manner.

All parcels on City Airport Property (between the elevated water tank and the I-10 interchange) shall have a minimum landscaping percentage of ten percent (10%) landscaping.

The parkway area shall be landscaped and permanently maintained, if a parkway area exists between the front set back of the parcel and the constructive street.

D. Screening and Building Site Appearance.

All rubbish, trash, garbage, debris and other wastes, all loading docks and garbage collection facilities, and all other articles, goods, materials, incinerators, trash bins, storage tanks or like equipment open or exposed to public view or to a view from adjacent buildings, shall be stored at the side or rear of the building and the improvements with which same are associated; and these shall be screened from view in a manner approved in writing by the Committee. Screening materials shall be constructed and designed in such a manner so that they equal a height equal to that of the materials or equipment being stored but in no event less than six (6) feet in height. The screening, to the maximum practicable extent, shall shield said material and equipment from both public view and view from adjacent buildings. Once the written approval of the Committee has been so obtain-ed, such screening must be maintained in a sound and sightly condition for so long as screening shall be required under the terms hereof. No oil, gasoline or other flammable liquid shall be stored upon any Building Site or any part thereof, unless approved by the Committee.

E. Signage and Lighting Standards:

E1. Signage Standards.

All temporary and permanent signs and graphics shall be of a size and nature so as to preserve the quality and atmosphere of the Property. The design, color, material, location and placement of all signs shall be approved as such in writing by the Committee prior to their erection. Further, all temporary signs must comply substantially, in the sole judgment of the Committee, with the standards and criteria therefor promulgated by the Committee.

A single sign shall be permitted on the front of each facility (facing the roadway), stating only the name or identification of the occupant of that facility.

Directional Signs for parking lots, entrances, exits, etc, shall not exceed 30 inches in height.

Free standing signs will be permitted only upon written approval of the Committee, and only for Commercial Land Uses. Signs located other than on the main building (gateways, concrete or masonry yard enclosures) shall be subject to the written approval of the Committee, but are encouraged in landscaped setback areas for larger industrial and commercial parcels.

Indirect lighting of signs may be permitted, subject to approval by the Committee. All indirect lighting shall be constructed so that illumination is at the top of the sign, to reduce reflected light emitted into the atmosphere. Except as may be approved in writing by the Committee, no sign shall be painted on any building wall or placed on any building so as to extend above the top of the roof or parapet wall, whichever is higher.

No on-site billboard or outdoor advertising shall be permitted on any parcels in the West Mesa Air Industrial Park. However, the owners and/or developers of the Property may erect a sign or signs identifying, describing or advertising the West Mesa Air Industrial Park or any of its available land or buildings.

Real estate broker signs advertising any premises shall be permitted, with the following exceptions: 1) there shall be only one (1) sign per parcel; 2) there shall be no off premise real estate signs; 3) for parcels less than 10 acres in size, the maximum size shall be 8 square feet; 4) for parcels greater than 10 acres, the maximum size shall be 32 square feet; and 5) the height of all real estate signs shall not exceed 7 feet.

E2. Illumination Standards.

Exterior illumination, if such is to be provided, shall be designed to light only buildings, parking areas and walkways and shall not produce glare on adjacent streets or building sites. All ground level floodlighting fixtures shall be depressed or screened from public view in a manner approved in writing by the Committee. Parking area lighting units, arcade lighting and other illumination of a "Pedestrian Scale" shall be in a style approved in writing by the Committee.

F. Off-Street Parking and Loading.

Off-street parking shall be required as per the City of Las Cruces Zoning Code.

No truck loading or unloading area shall be located on a building wall fronting on a major arterial or collector, or in the front setback of the parcel.

G. Utility Construction.

All Utilities to be constructed in the West Mesa Air Industrial Park, including telephone, electric and cable TV, shall be constructed underground.

4. Architectural Guidelines:

A. Standards for Construction on Major Arterials and Collectors Streets; and for Parcels on Airport Property.

All buildings located on leased parcels on City Airport Property, that being the part of the Industrial Park between the elevated water tower and the Interstate 10 interchange, and those fronting on a major arterial or a collector street, as defined by the Circulation Plan, shall be of brick, masonry, stone or other material approved by the Committee.

B. Standards for Construction on Minor Streets.

The front of all buildings-that is, the side facing the street on which the building is deemed to front-shall be faced with concrete or brick masonry, stone, or other material approved by the Committee. The facing shall be to a minimum height of four (4) feet and extend across the full front of the building. That portion of any building facing a side street other than the street on which the building fronts shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. It is the intent of this provision that all structures shall be designed and constructed in such a manner as to provide an aesthetically pleasing and harmonious overall development of the industrial park. Except as otherwise provided herein, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial buildings subject to the approval of the Committee.

C. Height of Buildings.

Buildings shall not exceed 35 feet in height.

D. Exceptions.

Exceptions to the above construction standards shall be made for parcels serving the agri-business light industrial (green houses) and for airplane hangers to be constructed in the Air Oriented Light Industrial.

E. Temporary Structures.

No temporary building or structure other than construction offices and structures for related purposes during the construction period shall be installed or maintained on any Building Site without the prior written approval of the Committee. All temporary structures used for construction purposes must receive approval by the Committee with regard to location and appearance, and must be removed promptly upon completion of construction and that portion of the Building Site from which same are removed, restored to its original condition or to such condition as is otherwise required by this Declaration.

F. FAA Regulations.

All construction must comply with Federal Aviation Administration regulations.

5. **Submission Requirements For Plan Submission.**

The Site Development Plan shall include:

Parcel boundaries; North Arrow; Graphic scale; Existing topography at two-foot (2 ft) contour intervals; Proposed building locations, identities, schematic drawings and square footages; Locations of walls and fences; Location of screening or buffering and type; Parking location, arrangement, aisles, number or spaces; Driveways, entrances, and exits; Grading plan (proposed topography and drainage courses); Streets (Right of Way, pavement widths) if any proposed; Sidewalk and paths; Existing and proposed utilities; Existing and proposed easements; Landscaped areas outlined with general description; and Calculations showing Floor-area-ratio and percent of site devoted to landscaping

Traffic and Drainage Plans may be requested by the Committee, as necessary.

6. Design Standards for Specific Land Use Categories

A-2 AGRICULTURAL DISTRICT

1. PURPOSE OF A-2 DISTRICT. Rural Agriculture zones are intended to conserve and protect farms and other open land uses, foster orderly growth in rural and outlying areas, and prevent urban and agricultural land use conflicts. The primary purpose of requiring large minimum lot size is to discourage small lots or residential subdivisions where public facilities such as water, sewage disposal, schools, parks and playgrounds, and governmental services such as police and fire protection or trash collection are not available at the present time. Only one (1) dwelling unit and customary accessory buildings per lot are allowed.

2. DEVELOPMENT REQUIREMENTS.

Minimum lot area	10 acres
Minimum lot width	120 feet
Minimum lot depth	50 feet
Minimum front setback	20 feet
Minimum side setback	50 feet
Minimum rear setback	50 feet
Maximum height	35 feet

3. A-2 PERMITTED USES. The following uses are permitted by right in the A-2 District in accord with the stated provisions:

   A. Detached Single Family Dwelling.
   B. Commercial and Non-Commercial Raising of Crops. Provided there is no nuisance to neighboring property due to odor, dust fertilizers, herbicides, and noise. Uses shall be kept at least one hundred (100) feet from an adjacent property.
   C. Keeping of large animals in a accordance with Section 11.1.
   D. Keeping of small animals in accordance with Section 11.2.
   E. Produce Stand. Permitted when products are raised on the premises and provided there shall be no more than one (1) stand per lot, parcel or tract; and further provided such stand shall not exceed four hundred (400) square feet.
   F. Golf Course or Country Club. The minimum site area shall be thirty (30) acres.

G. Guest Dwelling or Accessory Living Quarters.
H. Public or Private Parks or Recreational Uses.
I. Swimming Pools. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

5. A-2 SPECIAL USES. The following uses require a Public Hearing and review and approval by the Planning and Zoning Commission. Provisions are in Section 6.3B.

A. Airport or Heliport.
B. Amusement Park or Enterprise. Subject to the provisions and requirements of Ordinance No. 154 of the Municipal Code. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning district.
C. Church. Only when located on an arterial or collector street as shown on the Future Land Use Plan and only on sites of at least two (2) acres.
D. Cemetery.
E. Commercial Stables.
F. Drive-In Theater. According to standards in the A-1 District, Section 6.2A, 3-D.
G. Manufacture, Processing, Treatment and Extraction of Raw Materials.
H. Racetrack.
I. Stadium: Baseball, Football, Soccer, Track.
J. Winery.

City of Las Cruces

EXHIBIT "B"

94040B
May 20, 1994

DESCRIPTION OF A 123.5842 ACRE PARCEL

A parcel of land included mostly within the circumference of a circle, situate within the corporate limits of the City of Las Cruces, Dona Ana County, New Mexico in Section 35, T.23S., R.1W., N.M.P.M. of the U.S.G.L.O. Surveys and more particularly described as follows, to wit:

BEGINNING at a 1/2 inch rebar set, whence a New Mexico State Highway Department Brass Cap found for a Section Corner common to Sections 26, 27, 34 and 35, T.23S., R.1W., N.M.P.M. bears N 50 deg 10' 58" W a distance of 2236.23 feet and whence a 5/8 inch stainless steel rod found for GPS Station "Crucesair" of the New Mexico Global Positioning System Reference Network bears N 20 deg 05' 55" W a distance of 5627.64 feet;

THENCE FROM THE POINT OF BEGINNING N 90 deg 00' 00" E, 505.87 feet to a 1/2 inch rebar set on the circumference of a circle for the an angle point, whence the center of the circle bears S 36 deg 47' 05" E a distance of 1291.00 feet;

THENCE along the greater part of the circumference of the circle to the right having a Radius of 1291.00 feet, an Arc Length of 6735.94 feet, through a Central Angle of 298 deg 56' 50" and whose Chord bears S 22 deg 41' 19" W, 1311.49 feet to a 1/2 inch rebar set for an angle point;

THENCE leaving the circle N 00 deg 00' 00" W, 1210.00 feet to the point of beginning, containing 123.5842 acres of land more or less.

AUTHORITY STATEMENT: I certify that this legal description was prepared by me and meets or exceeds the "Minimum Standards for Land Surveying in New Mexico" as adopted by the New Mexico State Board of Registration for Professional Engineers and Surveyors and is true and correct to the best of my knowledge and belief.

Gilbert Chavez
NMPS 6832

5/20/94

P.O. DRAWER CLC
AN EQUAL OPPORTUNITY EMPLOYER
LAS CRUCES NEW MEXICO 88004
PHONE 505/526-0000

CITY OF LAS CRUCES
Planning and Zoning Commission
Staff Report

1. **CASE:** Z2239 **MEETING DATE:** 6/28/94

2. **APPLICANT:** City of Las Cruces

3. **PROPERTY OWNER:** City of Las Cruces

4. **REQUEST:**
Zone Change from _____ to _____ Initial Zoning A-2C
PUD/Name _____
Concept _____ Final _____ Amendment _____
Special Use Permit ____ Renewal ____ Time _____
Amendment _____
Amendments _____ Zoning Code _____ Sign Code _____
Section _____ Other _____

5. **PROPERTY INFORMATION:**
Address/Location: 355 South Crawford Boulevard
Acreage: 18.5986/123.5824 acres
Current Zone N/A, Land Use Vacant
Proposed Land Use Cheese Factory/Agriculture Field

6. **ZONING AND LAND USE OF ADJACENT PROPERTY:**

North	H	Vacant
East	H	Vacant
South	H	Vacant
West	H	Vacant

7. **GENERAL NEIGHBORHOOD COMMENT RECEIVED:**

8. **COMMENTS:**

STAFF RECOMMENDATION

Police Department
None

Fire Prevention Bureau
The Fire Department requires that any new development provide the needed water flow and accessibility to deploy fire equipment in any emergency. A complete set of plans for review by Fire Department must be submitted prior to start of project. Due to the magnitude of the project, our concern is sufficient water.
A. Zubia 5/27/94

Landscape Architect
None

Traffic Engineering
Need to ensure adequate infrastructure exists for increased traffic.
MDJ 5/27/94

Surveyor
No comments.
G. Chavez 5/27/94

Development Engineer
- All improvements must comply with the City's current Design Standards.

- Subject property does not lie in a flood zone.

- Crawford Boulevard considered major arterial as per Major Thoroughfare Plan, additional right-of-way may be required.

- Roadway improvements to Crawford Boulevard may also be required.
L. Rodriguez 5/27/94

Utilities
Natural gas, okay. Developer to extend proper, adequate, complete gas mains and services to and into property from adequate gas supply points.
V. Sanchez 5/31/94

Water and sewer, okay.
T. Aguirre 6/3/94

NM State Highway & Transportation Department
Access to NMSHTD right-of-way by permit only.
I. Camacho 5/31/94

9. **PLANNING AND ZONING COMMENTS:**

Assessment of Compatibility with Comprehensive Plan
The subject property is situated in an area, which for several years, was planned to compliment the airport as an industrial park. Various policies from the Comprehensive Plan support this within the Land Use and Economics Development Elements to name a few.

Inasmuch as the property is located at the Gateway to the City, aesthetic control and sensitive site design criteria should be considered for any and all properties located within this vicinity.

Transportation (M. Parks)
No problem as long as Crawford Boulevard is built to major arterial standards.

Zoning
Rural Agriculture zones are intended to conserve and protect farms and other open land uses, foster orderly growth in rural and outlying areas, and prevent urban and agricultural land use conflicts. The primary purpose of requiring large minimum lot size is to discourage small lots or residential subdivision where public facilities such as water, sewage disposal, schools, parks and playgrounds, and governmental services such as police and fire protection or trash collection are not available at the present time. Only one (1) dwelling unit and customary accessory building per lot area allowed.

10. **RECOMMENDATION:**
The case is a request for an initial zoning A-2C (Agriculture) for ± 123.58 acres. The request has been made to permit an agricultural field for the purpose of assisting in the disposal of waste water in conjunction with a cheese manufacturing plant. The applicant has requested that protective covenants and design standards for the property be made a condition of the zoning district.

The subject property is located on the West Mesa in the area commonly known as the West Mesa Air Industrial Park. The property is currently owned by the City of Las Cruces and has been planned for development as an industrial park.

The Las Cruces Comprehensive Plan encourages and supports agriculture-related industries. The Comprehensive Plan also encourages development of the West Mesa in a manner which compliments the location's gateway function into the City. The applicant has requested conditional zoning to address these aesthetic concerns.

The property will be located near Crawford Boulevard. This street is classified as a major arterial roadway and shall require adequate right-of-way and paving width with development.

The Planning and Zoning Commission has the following options for action:

1. Recommend approval of the initial zoning of A-2C. Such action will forward the case to City Council for final action.

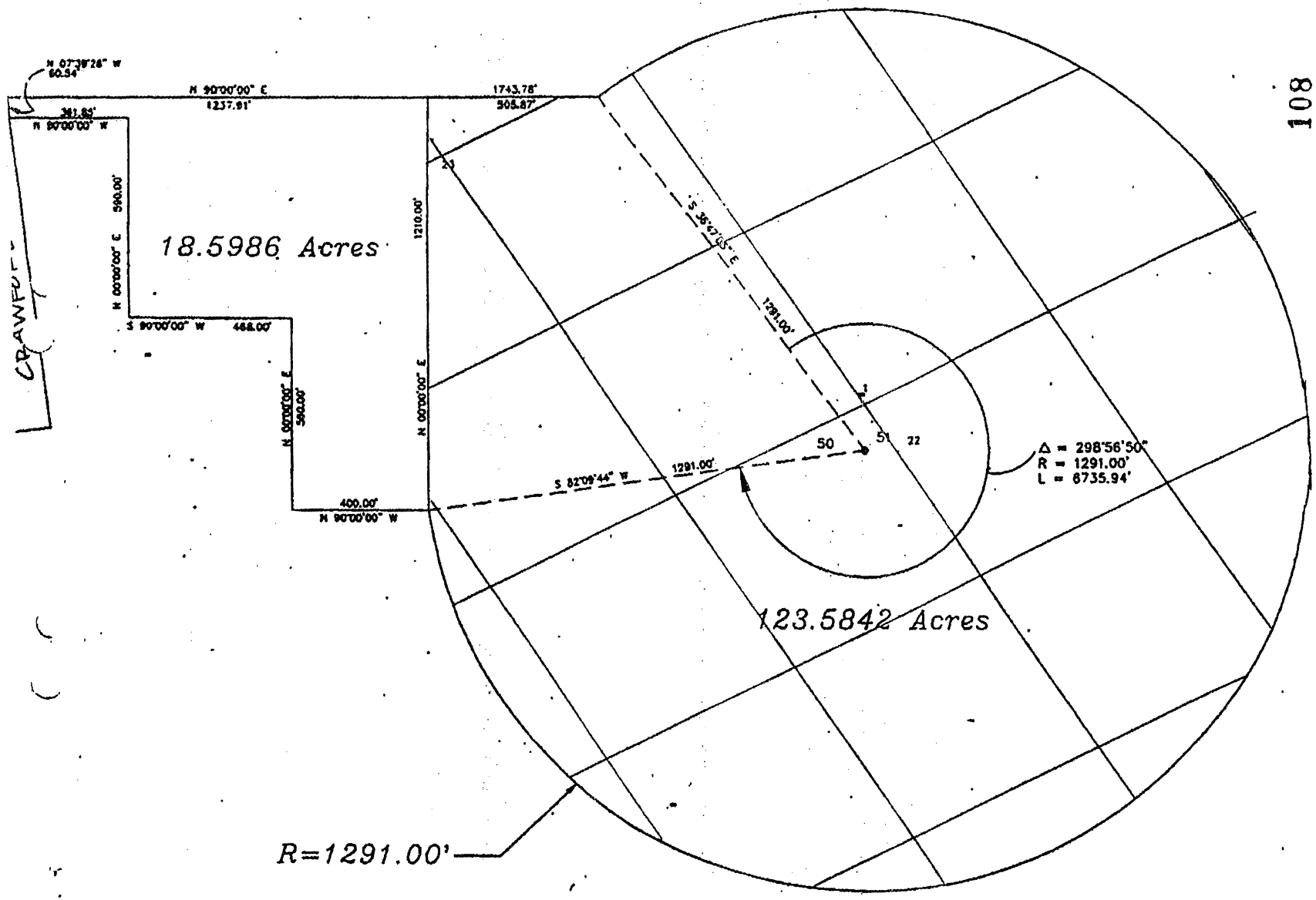
2. Deny the request for A-2C zoning. Such action shall require the applicant to appeal the Planning and Zoning Commission decision to City Council if he wished to

pursue the initial zoning to A-2C.

Staff has reviewed the request and recommends approval. The zoning is consistent with development of the industrial park and Comprehensive Plan. The conditional zoning requested addresses aesthetic concerns about development of the property.

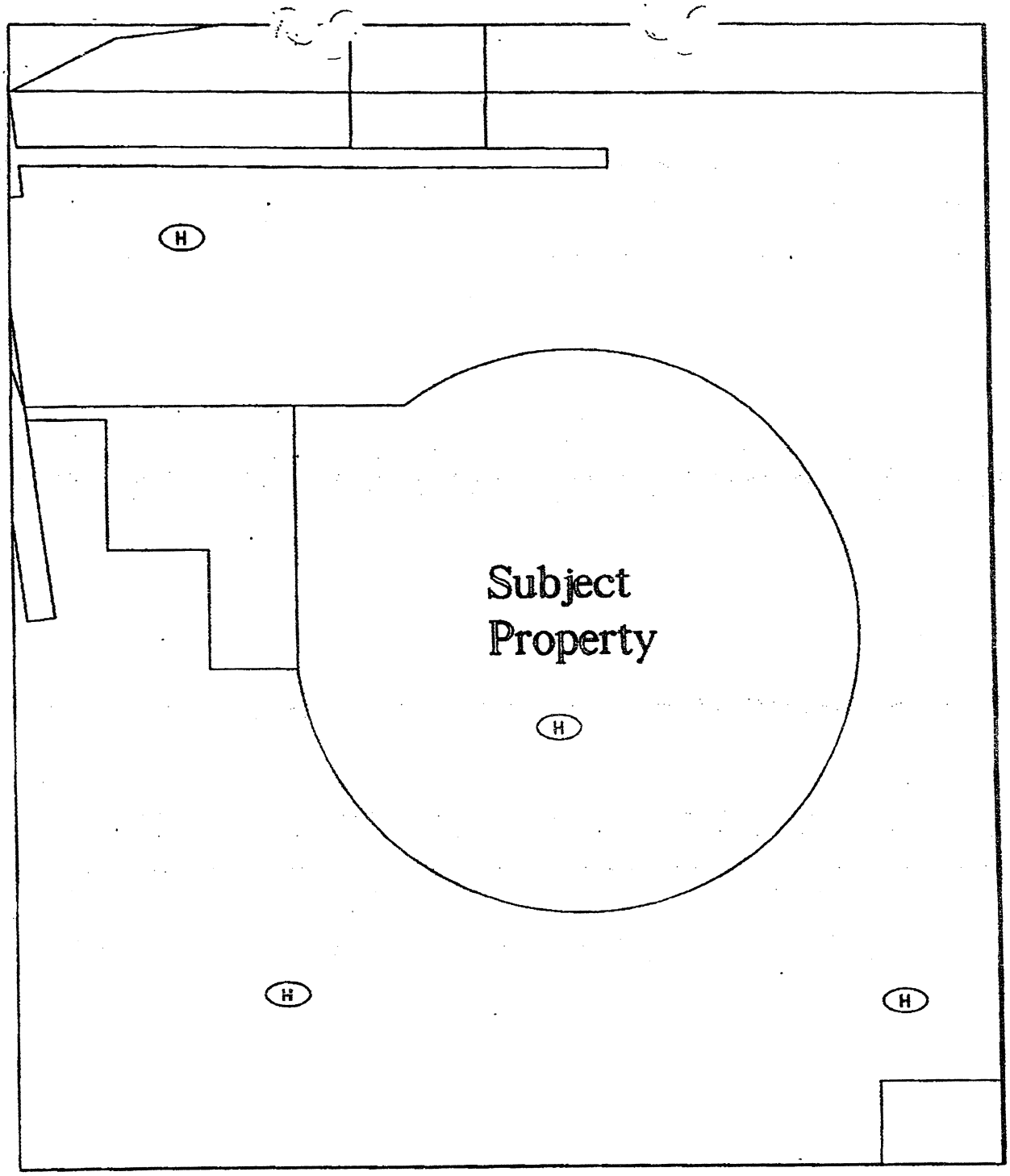
11. **ATTACHMENTS:**

1. Application
2. Zone Map
3. Existing Land Use Map & Land Use Legend
4. Support Information


N 07°39'26" W
60.54'
N 90°00'00" E
1237.91'
1743.78'
505.87'
361.85'
N 90°00'00" W
590.00'
N 00°00'00" E
18.5986 Acres
1210.00'
S 90°00'00" W
468.00'
N 00°00'00" E
590.00'
N 00°00'00" E
400.00'
N 90°00'00" W
S 82°09'44" W
1291.00'
S 38°47'05" E
1291.00'
50
51
22
Δ = 298°56'50"
R = 1291.00'
L = 6735.94'
123.5842 Acres
R=1291.00'
CRAWFUR

596

108



City of Las Cruces

EXISTING ZONING

CASE NUMBER: Z-2239
Request: Initial Zoning
Location: W. Mesa Industrial Park
Base Map: N/A
Date: 5-26-94

north

SCALE: 1" = 600'

PROOF OF PUBLICATION

Jim Wall, being duly sworn, deposes and says that he is the Publisher of the Las Cruces Sun-News, a newspaper published daily in the County of Dona Ana, State of New Mexico; that the notice 11287-Ordinance 1384-1385 as per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof, for 1 consecutive weeks/days; that the first publication was in the issue dated 07/24/94 and the last publication was in the issue dated 07/24/94.

Deponent further states this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Sec. 3, Chapter 167, Laws of 1937. Payment of fees for said publication has been made.

Signed _____

Publisher
Official Position

STATE OF NEW MEXICO
ss.
COUNTY OF DONA ANA

Subscribed and sworn before me this 25th day of July 1994.

Notary Public in and for
Dona Ana County, NM

OFFICIAL SEAL
ROSIE MONARREZ
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 4/27/98

NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, hereby gives notice of the adoption of the following Ordinances at the regular meeting of July 18, 1994:

Council Bill No. 95-003: Ordinance No. 1384: An Ordinance Establishing the Initial Zoning of M-1C (Light Manufacturing Conditional) at 355 South Crawford Boulevard. Submitted by the City of Las Cruces (Case Z2238).

Council Bill No. 95-004: Ordinance No. 1385: An Ordinance Establishing the Initial Zoning of A-2C (Rural Agricultural-Conditional) at 355 South Crawford Boulevard. Submitted by the City of Las Cruces (Case Z2239).

Complete copies of these Ordinances are on file in the Office of the City Clerk and are available for public inspection during regular Office hours.

WITNESS MY HAND AND SEAL of the City of Las Cruces, New Mexico, on this the 20th day of July, 1994.

/s/Karen Stevens
City Clerk

Pub. No.: 11287
Publish: July 24, 1994

PROOF OF PUBLICATION

Jim Wall, being duly sworn, deposes and says that he is the Publisher of the Las Cruces Sun-News, a newspaper published daily in the County of Dona Ana, State of New Mexico; that the notice 11137-Ordinances 1377-1379 as per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof, for 1 consecutive weeks/days; that the first publication was in the issue dated 06/26/94 and the last publication was in the issue dated 06/26/94.

Deponent further states this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Sec. 3, Chapter 167, Laws of 1937. Payment of fees for said publication has been made.

Signed _____

Publisher
Official Position

STATE OF NEW MEXICO
ss.
COUNTY OF DONA ANA

Subscribed and sworn before me this 27th day of June 1994.

Notary Public in and for
Dona Ana County, NM

OFFICIAL SEAL
ROSIE MONARREZ
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 4/27/98

NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, hereby gives notice of the adoption of the following Ordinances at the regular meeting of June 20, 1994:

Council Bill No. 94-050:Ordinance No. 1377: An Ordinance Amending Section 27-7 of the Las Cruces Municipal Code to Modify Provisions on the Granting of a Permit for a Sidewalk Sale.

Council Bill No. 94-052: Ordinance No. 1379: An Ordinance Changing the Zone from C-1C (Neighborhood Commercial-Conditional) to O-1 (Office) at 1205 East Boutz Road. Submitted by William Cornelius. (Case Z2230).

Complete copies of these Ordinances are on file in the Office of the City Clerk and are available for public inspection during regular Office hours.

WITNESS MY HAND AND SEAL of the City of Las Cruces, New Mexico, on this the 21st day of June, 1994.

/s/Karen Stevens
City Clerk

Pub. No.: 11137
Publish: June 26, 1994

Scholz: Thank you, Mr. Stowe, and do I hear a second?

Shipley: Second.

Scholz: And a second from Shipley. All right, all those in favor say aye.

Some members: Aye

Scholz: All those opposed same sign… and abstentions. Okay, three abstentions. So it's four "yes" and three "abstentions." All right, that takes care of that business.

III. POSTPONEMENTS - NONE

Scholz: Mr. Ochoa, I see you're chomping at the bit there. I'll look at my agenda. Are there any postponements, sir?

Ochoa: No, sir, not tonight.

IV. WITHDRAWALS - NONE

Scholz: Glad to hear that. How about withdrawals?

Ochoa: No, sir, none.

V. CONSENT AGENDA

Scholz: Okay, so that moves us right to the Consent Agenda. Now here's how the Consent Agenda works, folks. What we do is we have… let's see: one, two, three, four, five… five items on the Consent Agenda and if there's no one that wishes to speak to any of these items from the audience or from the staff or from the Commissioners then we'll simply take one vote and approve all of them. Okay?

Those items on the consent agenda will be voted by one motion with the acceptance of the agenda. Any Planning and Zoning Commissioner, Staff or member of the public may remove an item from the consent agenda for discussion by the commission.

1. **Case Z2824**: Application of the City of Las Cruces Economic Development Department to rezone from A-2C (Rural Agriculture w/Condition) to WMIP (West Mesa Industrial Park) on a 120.14± acre tract located generally south of Interstate 10, west of Mountain Vista Parkway and east of Crawford Boulevard; a.k.a. 0 Crawford Blvd.; Parcel ID# 02-24501; Proposed Use: Unspecified light industrial uses. Council District 4.

Scholz: So the first one is case Z2824: Application of the City of Las Cruces Economic Development Department. That's the City itself. Do you wish to speak to this, Ms. Revels?

Revels: I was just informing you that I did receive an e-mail from a property owner in the vicinity with comments for this case.

Scholz: Okay, so you want us to pull it and ...

Revels: No, I'm just letting you know that I'm going to check with the audience. You can check with the audience to see if there's anyone to pull ... but I did provide you guys a copy.

Scholz: Okay, and that's this first case.

Revels: Yes, sir.

Scholz: Anyone from the audience who wishes to speak to case Z2824? No? Any Commissioners? Okay, we'll leave that on the Consent.

2. **Case Z2826:** Application of DVI on behalf of Mesilla Valley Commercial Tire, Inc. to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a 1.377+/- acre tract located on the north side of Bataan Memorial West, 495 +/- feet north of its intersection with Bixler Drive; a.k.a. 3425 Bataan Memorial West; Parcel ID# 02-07934; Proposed Use: To bring property into compliance with the 2001 Zoning Code, as amended. Council District 5.

Scholz: All right, the second one is case Z2826. Anyone wish to speak to this?

3. **Case Z2827:** Application of Jim Mattocks on behalf of Christian Ricky Sr. et al to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a 1.55± acre tract located on the north side of US 70/Bataan Memorial West at the intersection of Saturn Circle of Saturn Circle; a.k.a. 0 Bataan Memorial West; Parcel ID# 02-08159. Proposed Use: To bring property into compliance with the 2001 Zoning Code, as amended. Council District 5.

Scholz: Okay, then it's case Z2827. We are doing them sequentially here. Anyone wish to speak to this one?

4. **Case Z2829:** Application of Kary Bulsterbaum on behalf of Mesilla Capital Investment, LLC to rezone from R-4 (Multi-Dwelling high Density & Limited Retail and Office) to O-2 (Office, Professional-Limited Retail Service) on a 0.31+/- acre tract located on the west side of Walnut Street, 490 +/- feet south of its intersection with Lohman Avenue; a.k.a. 780 S. Walnut Street; Tax Parcel

02-22886; Proposed Use: To bring property into compliance with the 2001 Zoning Code, as amended. Council District 3.

Scholz: Okay, how about Z2829? No?

Evans: Mr. Chairman?

Shipley: Yes, Commissioner Evans.

Evans: I'm interested in hearing this case; however, I'm not really interested....I understand the reasons for the change to bring it into compliance. However, I'd like to hear from the applicant what his intentions are for that particular piece of property.

Shipley: Okay, so we'll take that off Consent and put it into New Business.

Evans: I'm not sure... so were you on case... and I'm speaking about case Z2827.

Scholz: Oh, okay. I was already on 2829.

Evans: Okay, I'm sorry.

Scholz: 2827?

Evans: Yes.

Scholz: Okay, I'll pull that and that'll be our first item under new business.

5. **Case S-10-044:** Application of Beehive Homes on behalf of Paul D. G. Miller for a preliminary plat known as the Beehive Village of Las Cruces on a 2.79± acre tract located on the south side of Mars Avenue at the intersection of Valverde Loop; a.k.a. 0 Mars Avenue; Parcel ID# 02-25909. Proposed Use: Assisted-living facilities. Council District 5. **MOVED TO NEW BUSINESS APPROVED 7-0**

Scholz: How about..., Let's see... 2829? There was no objection to that? No one to speak to that? Okay. I have a concern about case S-10-044, which is a preliminary plat and what I need to do, probably, is hear from... I think... Ms. Robertson, are you dealing with that? Okay, so I'll put that as our second item of New Business and it'll be just a short question, I think.

Shipley: I want to pull it also.

Scholz: You want to pull it also? Okay, good. So we'll move that to the second order of New Business. Now, under New Business we have actually the

adoption of the Statement of Reasonable Notice and that's something we have to read every January to inform people that we're not trying to pull something, pull wool over their eyes or whatever. So what I'm going to ask everyone to do is pull their... yes, Commissioner Shipley?

Shipley: We have the Consent Agenda... the ones that are... will we deal with that first?

Scholz: Pardon me?

Shipley: Don't we deal with the Consent Agenda before the ones that are...

Scholz: No, I want to deal with this first. I want to get this off our plate. Okay? And then we'll deal with the other two pieces of new business.

(Inaudible discussion among other Commissioners)

Scholz: Oh, I'm sorry. I'm getting ahead of myself here. Yes, we have to do the Consent Agenda then. Thank you, Commissioner Shipley. Okay, I'll entertain a motion to accept the Consent Agenda and that's items one, two and four. Okay?

Shipley: I so move.

Scholz: Is there a second?

Beard: Second.

Scholz: Okay, so Shipley moved and Beard seconded. All those in favor say aye.

All: Aye.

Scholz: Those opposed same sign. All right, the Consent Agenda; items one, two and four are adopted. Now, you're right, Commissioner Shipley. We should actually go to case Z2827 first and then go to case S-10-044 before we do the adoption of Statement of Reasonable Notice; but before we do that I want to amend the agenda because right now as our second item we have Election of Officers and as our third item we have the Appointment of a Member to the City's Affordable Housing Land Bank. I really would like to put those at the end of the meeting. So, I'll entertain a motion to move to amend the agenda by moving Election of Officers and Appointment of a Member to the Affordable Housing Land Bank to the end of New Business.

Beard: So moved.

Scholz: Okay, is there a second?

Shipley: Second.

Scholz: All those in favor say aye.

All: Aye.

Scholz: Those opposed same sign? All right, we've moved those. Thank you, gentlemen. Okay, let's take a look at case Z2826.

VI. NEW BUSINESS

Rodriguez: Mr. Chairman? Staff would recommend that you do the Statement of Reasonable Notice since this is your first business meeting of the year.

Scholz: Okay.

Rodriguez: So we can take care of that item before we actually go into the conducting of official business.

1. Adoption of Statement of Reasonable Notice as required by Section 10-15-1(B) of the Open Meetings Act, Section 10-15-1 to 10-15-4, New Mexico Statutes Annotated (1978), as amended.

Scholz: Thank you, Ms. Rodriguez. That was my intention but somebody called me on it. Okay. What I'd like to do, gentlemen, would you pull your Statement of Reasonable Notice? We're not going to do a choral reading of this but what we're going to do is a sequential reading of it and so I'll read... let's see... we have several things. I'll read the first... yeah, the first page, right, and then, Commissioner Beard, if you'll start with one and two; and Commissioner Bustos, if you'd read three and four; and Commissioner Evans if you'd read five and six and; Commissioner Stowe, if you would read seven and eight. All right?

Crane: Point of order, Mr. Chairman.

Scholz: Yes, Commissioner Crane.

Crane: On my copy there are two "4s."

Scholz: There are two "4s?" That's eight, isn't it?

Crane: Yep. Three, four, four and five.

Helen Revels 605

From: Stan Hatch [shatch@hatchfirm.com]
Sent: Monday, January 24, 2011 11:57 AM
To: Helen Revels
Cc: esmail haidari
Subject: Objection to Re-Zoning Application
Attachments: SHatch to Helen 012410.doc

Helen:

Our office represents Esmail Haidari. Please see out attached letter objecting to a pending re-zoning application. Please feel free to call if you have any questions. Thank you for your thoughtful consideration of our letter.

STAN HATCH
HATCH LAW FIRM
P.O. Box 65885
Albuquerque, NM 87193-5885
Phone: 505 798 2510
Fax: 505 796 9601

HATCH LAW FIRM

Attorneys and Counselors at Law
Stanley N. Hatch **Jesse C. Hatch**

4801 Lang Ave. NE Suite, 110
Albuquerque, NM 87109
P.O. Box 65885
Albuquerque, NM 87193-5885
phone: (505)798-2510 fax: (505) 796-9601
shatch@hatchfirm.com jhatch@hatchfirm.com

January 24, 2011

VIA EMAIL (helenr@las-cruces.org)

Las Cruces Community Development Department
ATTN: Helen Revels, Associate Planner

Re: Rezoning of 12.14± Acres—Case # Z2824; Parcel Id # 02-24501;

Dear Ms Revels:

Our office represents Mr. Esmail Haidari, owner of approximately 11 acres in the West Mesa Industrial Park. Mr. Haidari opposes the above-referenced rezoning application. Mr. Haidari purchased his property from the City in 2007 for approximately $31,000 per acre. Because of the economic downturn, which plagues the entire country, Mr. Haidari has recently attempted to market and sale his property. The only offer he has received is for approximately $8,000 per acre. At the present time, there is too much commercial and industrial property available in this area. There is no current development and the property cannot be sold at even a small fraction of its prior value.

Unless the City disapproves the present zoning application, there will be a glut of commercial and industrial property in this area. This will not only drive down prices still more, but it will invite the problems that result with undeveloped or underdeveloped areas. Vacant lots will become problems, infrastructure demands without needed development will occur, circumstances ripe for vandalism arise, consistent development of available lots can be abandoned creating infill problems, and the City creates the conditions ripe for blight and public nuisance.

We have a significant investment in this area. We believe the requested rezoning will harm rather than enhance the entire area. Consequently, we respectfully request that the Community Development Department recommend denial of the request, and that the Planning and Zoning Commission deny the request. Thank you for your consideration of our position.

Sincerely,

HATCH LAW FIRM

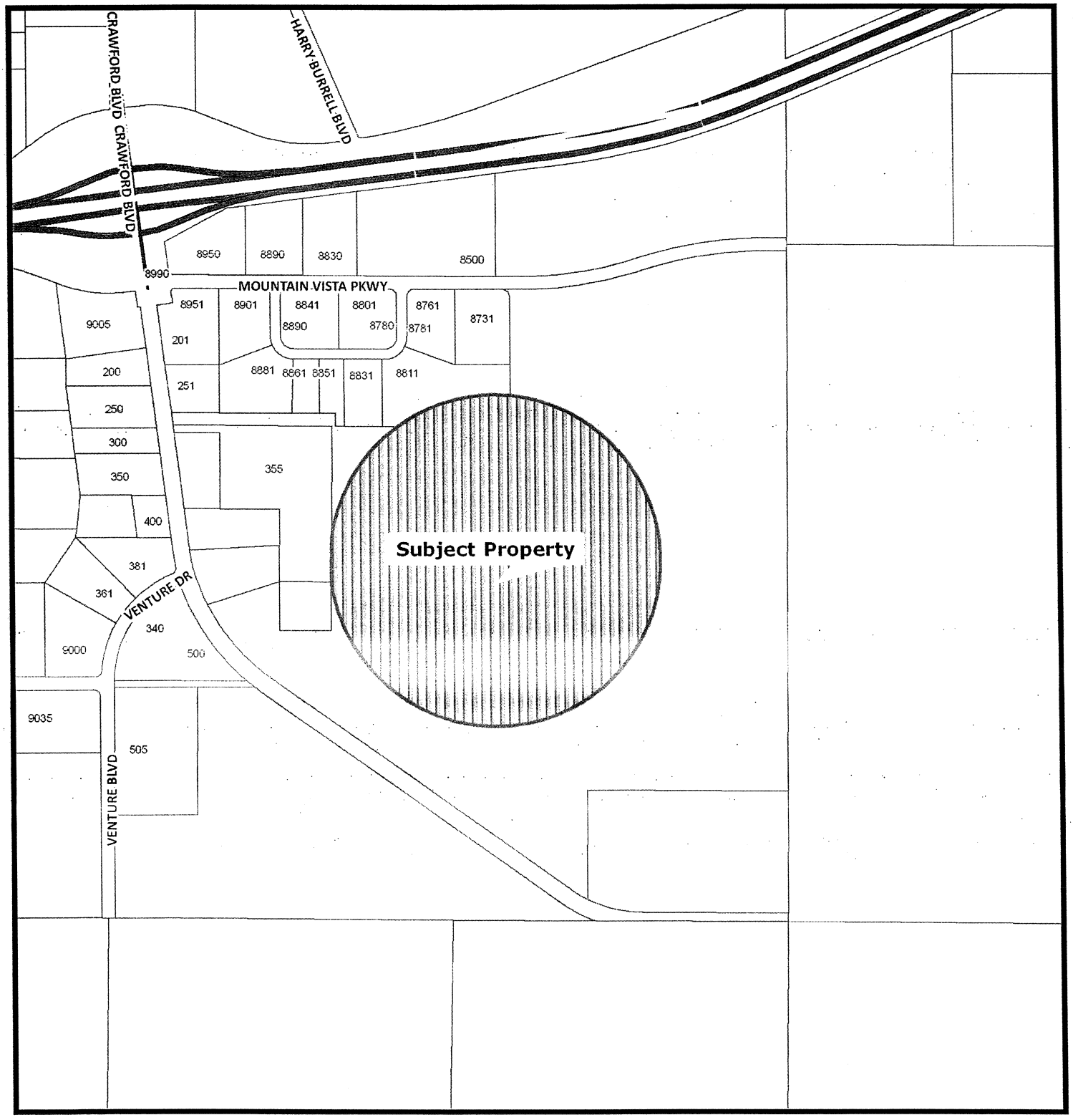
/s/
Stanley N. Hatch

cc: Client (via email)

ZONING: A-2C
OWNER: CITY OF LAS CRUCES

Location Vicinity Map

PARCEL: 02-24501
DATE: 02/10/2011



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.

500250 0 500 1,000 1,500 Feet

Legend

- Point_Address
- City Parcels
- Interstates_Highway
- EBID Water System
- Railroad
- Arroyo
- Rio Grande

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