

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 21 Ordinance/Resolution# 2609 Council District: 5

For Meeting of March 7, 2011  
(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 1.377 ± ACRES OF LAND LOCATED AT 3425 BATAAN MEMORIAL WEST. THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY DVI ON BEHALF OF MESILLA VALLEY COMMERCIAL TIRE, INC., PROPERTY OWNER (Z2826).

**PURPOSE(S) OF ACTION:** To change property zoning from C-2 to C-3.

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

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:** The property owner, Mesilla Valley Commercial Tire, Inc., is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for a 1.377 ± acre tract of land located at 3425 Bataan Memorial West. The applicant is requesting the zone change in order to come into compliance with the 2001 Zoning Code, as amended, in order to be able to develop the property in the future. If the zone change is approved the applicant shall be required to adhere to all C-3 development standards and all other applicable City development codes.

The subject property is:

- Currently zoned C-2 and undeveloped;
- Accessed from Bataan Memorial West (MPO classified Minor Arterial roadway);
- 1.377 ± acres in size;
- Not in compliance with C-2 zoning district lot size requirements (maximum 1 acre); and
- Not currently proposed for development.

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

On January 25, 2011, the Planning and Zoning Commission (P&Z) recommended approval for the zone change request by a vote of 7-0-0. There were no comments received from the public.

**SUPPORT INFORMATION:**

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2826
5. Attachment "B"- Draft minutes from the January 25, 2011 Planning and Zoning Commission meeting
6. Attachment "C"- Vicinity Map

**SOURCE OF FUNDING:**

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

**FUND 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 3425 Bataan Memorial West, with a combined area of 1.377 ± acres, will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The zone change will bring the subject property into compliance with the 2001 Zoning Code, as amended.
2. Vote "No"; this reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the subject property located at 3425 Bataan Memorial West. Any future development on the property would require another zone change request or a subdivision of land to comply with C-2 development standards.
3. Vote to "Amend" and vote "Yes"; this may allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; Council may table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION**

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

1. N/A

COUNCIL BILL NO. 11-029  
ORDINANCE NO. 2609

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 1.377 ± ACRES OF LAND LOCATED AT 3425 BATAAN MEMORIAL WEST. THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY DVI ON BEHALF OF MESILLA VALLEY COMMERCIAL TIRE, INC., PROPERTY OWNER (Z2826).**

The City Council is informed that:

**WHEREAS**, Mesilla Valley Commercial Tire, Inc., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located at 3425 Bataan Memorial West; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on January 25, 2011, recommended that said zone change request be approved by a vote of 7-0-0.

**NOW, THEREFORE**, Be it ordained by the governing body of the City of Las Cruces:

(I)

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity) for property located at 3425 Bataan Memorial West.

(II)

**THAT** the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(III)

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

(IV)

**THAT** City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

**DONE AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

(SEAL)

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

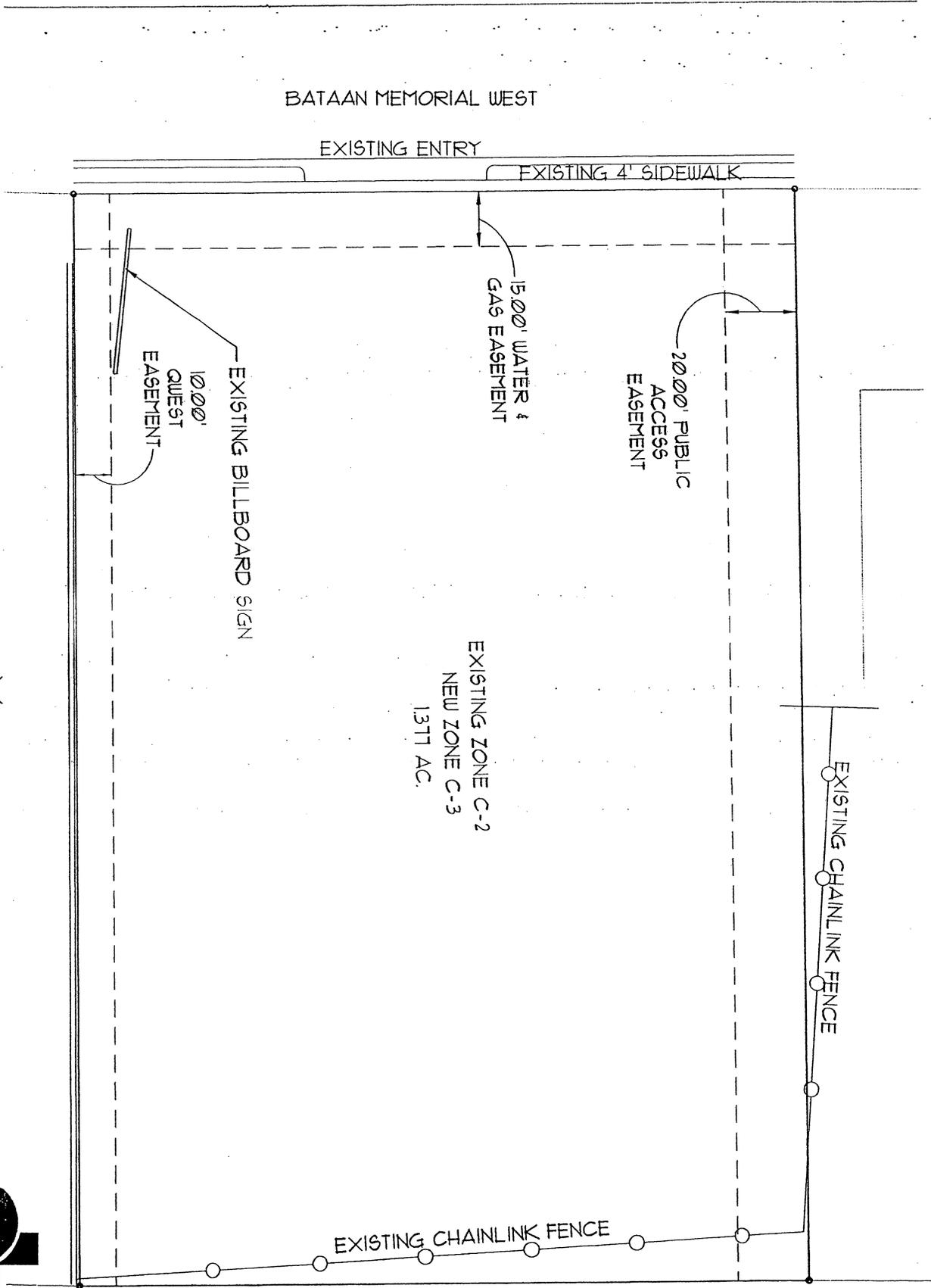
  
\_\_\_\_\_  
City Attorney

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

61 HIGHWAY 10

BATAAN MEMORIAL WEST



NORTH

# SITE PLAN

SCALE 1" = 20'-0"

architecturalengineering|planning  
 2480 roodrunner parkway  
 los cruces, nm, 88011  
 575.525.0241  
 fax 575.525.9405  
 barb@kvl-lasruces.com  
 www.dvl-lasruces.com  
 d1241sit  
 12/17/10

**EXHIBIT "B"****FINDINGS AND COMPREHENSIVE PLAN ANALYSIS**

1. The subject property is located at 3425 Bataan Memorial West, is zoned C-2 (Commercial Medium Intensity) and encompasses 1.377 ± acres.
2. The subject property is currently undeveloped.
3. The subject property is located on Bataan Memorial West, a Minor Arterial roadway as classified by the Metropolitan Planning Organization (MPO).
4. The proposed zone change would bring the subject property into compliance with the 2001 Zoning Code, as amended.
5. The rezoning request is consistent with the Goals, Objectives and Policies of the City of Las Cruces Comprehensive Plan:

**Land Use Element, Goal 1 (Land Uses) Policy 1.5.3**

High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.
- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

615



Planning & Zoning  
Commission  
Staff Report

Date: January 10, 2011

**CASE #** Z2826

**PROJECT NAME:** 3425 Bataan Memorial West (Zone Change)

**APPLICANT:** DVI

**PROPERTY OWNER:** Mesilla Valley Commercial Tire, Inc.

**REQUEST:** Zone Change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for the purpose of bringing property into compliance with 2001 Zoning Code, as amended

**PROPOSED USE:** Unspecified High Intensity Commercial

**SIZE:** 1.377 ± acres

**CURRENT ZONING:** C-2 (Commercial Medium Intensity)

**LOCATION:** 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.

**COUNCIL DISTRICT:** 5

**PLANNING COMMISSION DATE:** January 25, 2011

**PREPARED BY:** Adam Ochoa, Planner

**STAFF RECOMMENDATION:** Approval

**PROPERTY INFORMATION**

Address/Location: 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.

Acreage: 1.377 ± acres

Current Zoning: C-2 (Commercial Medium Intensity).

Current Land Use: Undeveloped

Proposed Zoning: C-3 (Commercial High Intensity).

Proposed Land Use: Unspecified High Intensity Commercial

Is the subject property located within an overlay district? Yes  No   
 If yes which overlay district?

**Table 1: Site analysis**

Development Standards for Commercial	
Square Footage of Existing or New Building(s)	N/A
Current Lot Size	59,982 square feet
Current Lot Depth/Width	Applicant did not specify
Existing Building Height	N/A
Development Standards for Existing Zoning of C-2	
Minimum Lot Size	10,000 square feet
Maximum Lot Size	43,560 square feet
Minimum Lot Depth/Width	70-feet/60-feet
Maximum Building Height	45-feet
Development Standards for Proposed Zoning of C-3	
Minimum Lot Size	21,780 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/Width	70-feet/60-feet
Maximum Building Height	60-feet

**PHASING**

Is phasing proposed? Yes  No

If yes, how many phases?

Timeframe for implementation: Applicant did not specify

**ADJACENT ZONING AND LAND USE INFORMATION**

**Table 2: Land Uses**

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Undeveloped/ Vacant	C-2	Commercial Medium Intensity
Surrounding Properties	North	Commercial	C-2	Commercial Medium Intensity
	South	NM State Highway US 70	N/A	N/A
	East	Commercial	C-2	Commercial Medium Intensity
	West	Commercial	C-2	Commercial Medium Intensity

**HISTORY**

Previous applications? Yes  No

If yes, please explain:

Previous ordinance numbers?

Previous uses if applicable:

**COMPREHENSIVE PLAN**

Elements & Policies

Land Use Element

1. Goal 1, Objective 5, Policy 1.5.3

Analysis: The proposal is a conversion from C-2 to C-3 to comply with the 2001 Zoning Code, as amended. C-2 zoning district does not allow the lot size to exceed 1-acre. The subject property is located on a Collector roadway (Bataan Memorial) and between two minor arterial roadways (Roadrunner Parkway and Rinconada Boulevard). The transportation system support a high intensity commercial use. The adjacent land uses are mostly medium-intensity commercial.

**REVIEWING DEPARTMENT COMMENTS**

Fire Prevention:

Accessibility Issues

Building Accessibility

Secondary Site/Lot Accessibility

Fireflow/Hydrant Accessibility

**CONCERN**

low	med	high
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Type of building occupancy: Unknown

Nearest Fire Station

Distance: 0.40 ± miles

Address: 2750 Northrise Drive

Adequate Capacity to Accommodate Proposal? Yes  No

Additional Comments: Recommendation of approval

Engineering Services:

Flood Zone Designation: Zone X (500 Year Flood Zone)

Development Improvements: Future development on site must comply with CLC Design Standards

Drainage calculation needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Other drainage improvements needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Sidewalk extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Curb & gutter extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Paving extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: Recommendation of conditional approval. For future development on site, any excess runoff must be retained on site with the use of on-lot ponding. On-lot pond maintenance is the responsibility of the property owner. A NMDOT drive-way permit may be required.

MPO

Road classifications: Bataan Memorial is classified as a Minor Arterial

Additional Comments: Recommendation of approval

Public Transit

Where is the nearest bus stop? 0.25 ± miles north of the subject property.

Is the developer proposing the construction of new bus stops/shelters? Yes  No  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: A driveway permit shall be required during the building permit process.

Are road improvements necessary? Yes  No  N/A

If yes, please explain:

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  
Intersection sight problems  
Off-street parking problems

Yes  No  N/A   
Yes  No  N/A   
Yes  No  N/A

On-Street Parking Impacts

None  Low  Medium  High  N/A

Explain: On-street parking is prohibited.

Future Intersection Improvements

Yes  If yes what intersection?  
No  If no, when (timeframe)?

Additional Comments: Recommendation of approval

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: No water rights issues. 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:

Additional Comments: Off-site sewer work will be required. 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   
Additional Comments: Recommendation of approval

Public Schools

Nearest Schools:

- 1. Elementary: Highland Elementary  
Enrollment: 806

Distance: 0.81 ± miles

2. Middle School: Camino Real Middle School  
Enrollment: 1137

Distance: 0.59 ± miles

3. High School: Oñate High School  
Enrollment: 2075

Distance: 2.65 ± miles

Adequate capacity to accommodate proposal? Yes  No  N/A

Explain: No residential use proposed.

### 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 spaces will be determined by land use

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

If yes, how many bicycle parking spaces presently exist?:

If no, how many bicycle parking spaces will be required? Bicycle parking spaces will be determined by land use

Comments: Parking space requirements, both auto and bicycle, will be determined by land use. This will be verified upon plan review for a building permit.

#### 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? A minimum area equal to 15% of the total parking area shall be landscaped.

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

If yes, are the buffers/screening adequate to serve the proposed use? Yes  No

If no, what additional buffering/screening will be required? Adjacent properties are commercially zoned. No additional buffering will be required. Future development will be required to follow regular setback requirements for the C-3 zoning district.

#### 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: There are no requirements of open space, parks, recreation, or trails for the proposed zone change

**Table 5: Special Characteristics**

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	N/A
Medians/ Parkways Landscaping	No	N/A

**Table 6: Project Chronology**

Date	Action
December 28, 2010	Application submitted to Development Services.
December 29, 2010	Case sent out for review to all reviewing departments
January 6, 2011	All comments returned by all reviewing departments
January 4, 2011	Case reviewed and discussed by staff
January 9, 2011	Newspaper advertisement
January 14, 2011	Public notice letters mailed
January 14, 2011	Sign posted

## SUMMARY AND CONCLUSIONS

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. The proposed zone change meets the character and integrity of the existing surrounding area and is supported by the 1999 Comprehensive Plan. The subject property currently exceeds the maximum lot size requirement of the C-2 (Commercial Medium Intensity) zoning district. The proposed zone change to C-3 (Commercial High Intensity) would bring the subject property into compliance with the 2001 Zoning Code, as amended.

## FINDINGS

1. The subject property is located at 3425 Bataan Memorial West, is zoned C-2 (Commercial Medium Intensity) and encompasses 1.377 +/- acres.
2. The subject property is currently undeveloped.
3. The subject property is located on Bataan Memorial West, a Minor Arterial roadway as classified by the Metropolitan Planning Organization (MPO).
4. The proposed zone change would bring the subject property into compliance with the 2001 Zoning Code, as amended.
5. The rezoning request is consistent with the Goals, Objectives and Policies of the City of Las Cruces Comprehensive Plan.

**STAFF RECOMMENDATION**

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

**DRC RECOMMENDATION**

N/A

**ATTACHMENTS**

1. Development Statement
2. Existing Site Plan
3. Aerial Map
4. Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3
5. 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: DVI  
Contact Person: Adrian Renteria  
Contact Phone Number: 575-525-0241  
Contact e-mail Address: adrian@dvi-lascruces.com  
Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property: 3425 Bataan Memorial West (see attached vicinity map)  
(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: C-2

Proposed Zoning: C-3

Acreage of Subject Property: 1.377 acres

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

Currently the property is vacant.  
\_\_\_\_\_  
\_\_\_\_\_

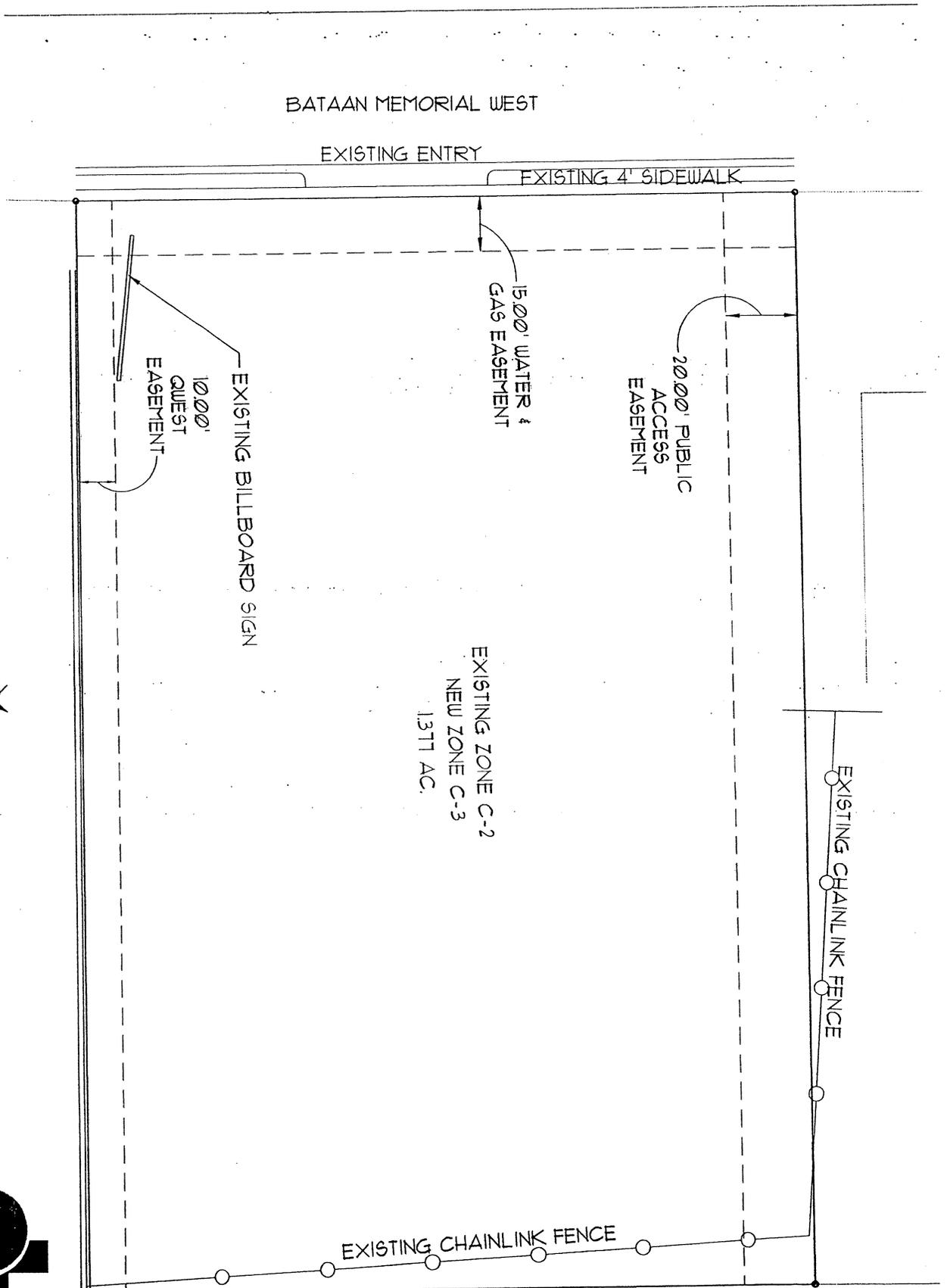
Proposed square footage and height of structures to be built (if applicable):

N/A

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

N/A

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

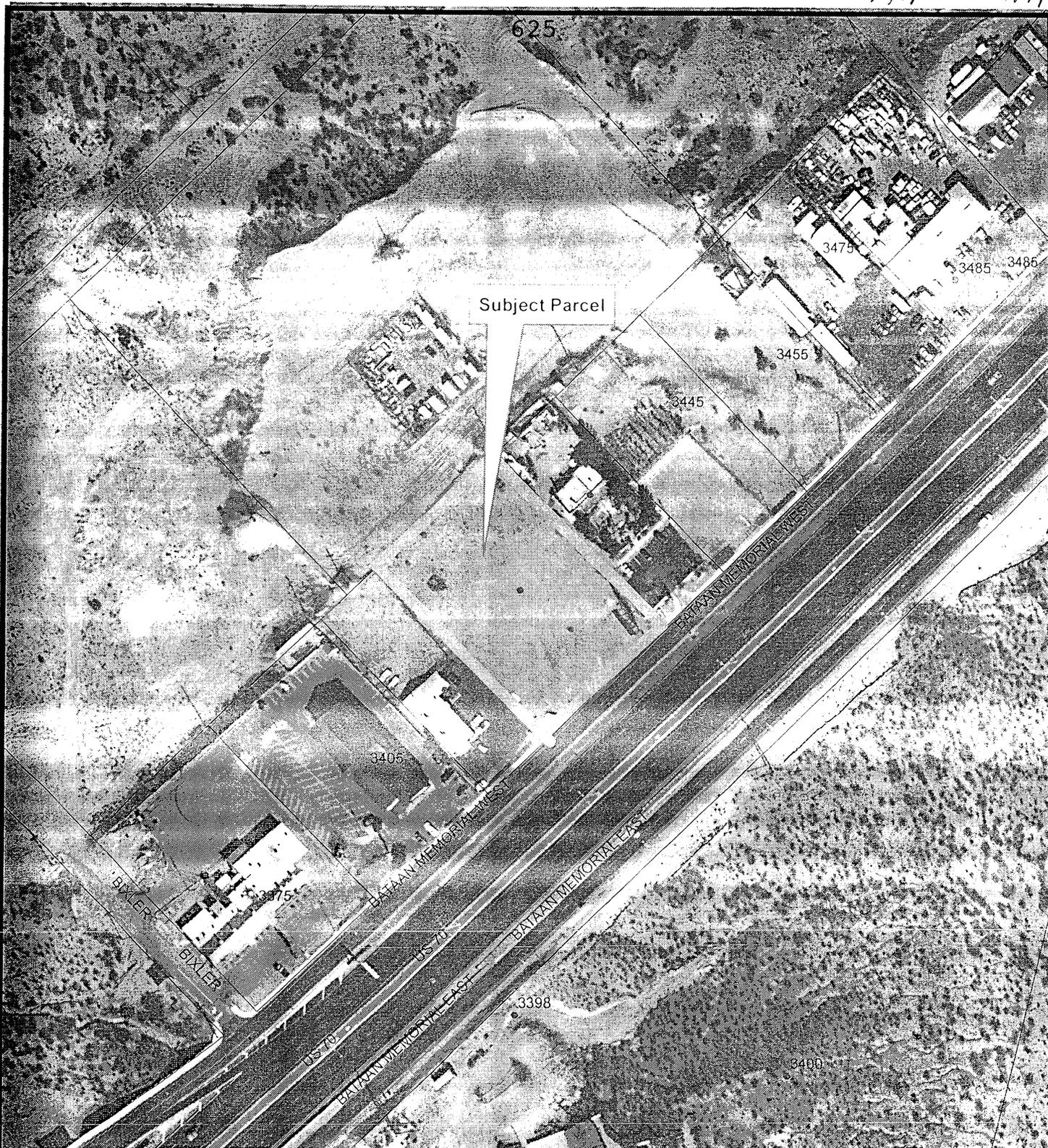


# SITE PLAN

SCALE 1" = 20'-0"

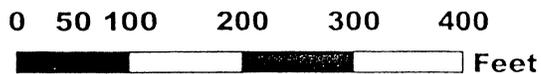


architectural/engineering/planning  
 2480 roadrunner parkway  
 las cruces, nm 88011  
 575.525.0241  
 fax 575.525.9405  
 barbo@dv-lasercruces.com  
 www.dv-lasercruces.com  
 12/17/10



# AERIAL MAP

**CASE NO.** Z2826  
**PARCEL:** 02-07934  
**OWNER:** MESILLA VALLEY COMMERCIAL TIRE INC.  
**ADDRESS:** 3425 BATAAN MEMORIAL WEST  
**ZONING:** C-2 TO C-3



*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.*

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

## Comprehensive Plan Analysis

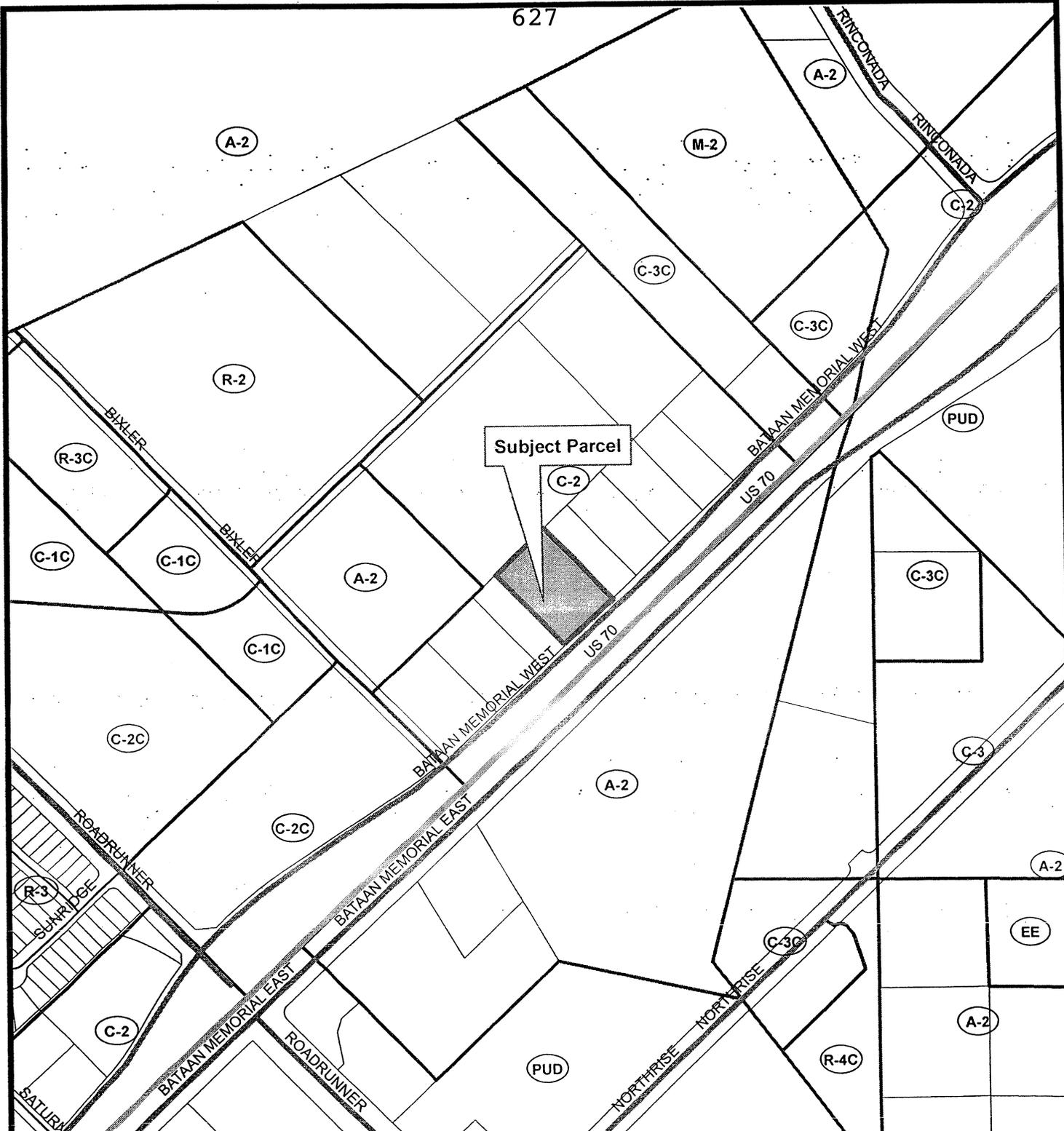
### **Land Use Element, Goal 1 (Land Uses)**

#### Policy 1.5.3

High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.
- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

627



Subject Parcel

### VICINITY MAP

**CASE NO. Z2826**  
**PARCEL: 02-07934**  
**OWNER: MESILLA VALLEY COMMERCIAL TIRE INC.**  
**ADDRESS: 3425 BATAAN MEMORIAL WEST**  
**ZONING: C-2 TO C-3**



*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.*

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



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

2  
3 Shipley: Second.

4  
5 Scholz: And a second from Shipley. All right, all those in favor say aye.

6  
7 Some members: Aye

8  
9 Scholz: All those opposed same sign... and abstentions. Okay, three abstentions.  
10 So it's four "yes" and three "abstentions." All right, that takes care of that  
11 business.

12  
13 **III. POSTPONEMENTS - NONE**

14  
15 Scholz: Mr. Ochoa, I see you're chomping at the bit there. I'll look at my agenda.  
16 Are there any postponements, sir?

17  
18 Ochoa: No, sir, not tonight.

19  
20 **IV. WITHDRAWALS - NONE**

21  
22 Scholz: Glad to hear that. How about withdrawals?

23  
24 Ochoa: No, sir, none.

25  
26 **V. CONSENT AGENDA**

27  
28 Scholz: Okay, so that moves us right to the Consent Agenda. Now here's how the  
29 Consent Agenda works, folks. What we do is we have... let's see: one,  
30 two, three, four, five... five items on the Consent Agenda and if there's no  
31 one that wishes to speak to any of these items from the audience or from  
32 the staff or from the Commissioners then we'll simply take one vote and  
33 approve all of them. Okay?

34  
35  
36 *Those items on the consent agenda will be voted by one motion with the*  
37 *acceptance of the agenda. Any Planning and Zoning Commissioner, Staff or*  
38 *member of the public may remove an item from the consent agenda for*  
39 *discussion by the commission.*

- 40  
41 1. **Case Z2824:** Application of the City of Las Cruces Economic Development  
42 Department to rezone from A-2C (Rural Agriculture w/Condition) to WMIP  
43 (West Mesa Industrial Park) on a 120.14± acre tract located generally south of  
44 Interstate 10, west of Mountain Vista Parkway and east of Crawford Boulevard;  
45 a.k.a. 0 Crawford Blvd.; Parcel ID# 02-24501; Proposed Use: Unspecified light  
46 industrial uses. Council District 4.

- 1  
2 Scholz: So the first one is case Z2824: Application of the City of Las Cruces  
3 Economic Development Department. That's the City itself. Do you wish  
4 to speak to this, Ms. Revels?  
5  
6 Revels: I was just informing you that I did receive an e-mail from a property owner  
7 in the vicinity with comments for this case.  
8  
9 Scholz: Okay, so you want us to pull it and ...  
10  
11 Revels: No, I'm just letting you know that I'm going to check with the audience.  
12 You can check with the audience to see if there's anyone to pull ... but I  
13 did provide you guys a copy.  
14  
15 Scholz: Okay, and that's this first case.  
16  
17 Revels: Yes, sir.  
18  
19 Scholz: Anyone from the audience who wishes to speak to case Z2824? No?  
20 Any Commissioners? Okay, we'll leave that on the Consent.  
21  
22 2. **Case Z2826:** Application of DVI on behalf of Mesilla Valley Commercial Tire,  
23 Inc. to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial  
24 High Intensity) on a 1.377+/- acre tract located on the north side of Bataan  
25 Memorial West, 495 +/- feet north of its intersection with Bixler Drive; a.k.a.  
26 3425 Bataan Memorial West; Parcel ID# 02-07934; Proposed Use: To bring  
27 property into compliance with the 2001 Zoning Code, as amended. Council  
28 District 5.  
29  
30 Scholz: All right, the second one is case Z2826. Anyone wish to speak to this?  
31  
32 3. **Case Z2827:** Application of Jim Mattocks on behalf of Christian Ricky Sr. et al  
33 to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High  
34 Intensity) on a 1.55± acre tract located on the north side of US 70/Bataan  
35 Memorial West at the intersection of Saturn Circle of Saturn Circle; a.k.a. 0  
36 Bataan Memorial West; Parcel ID# 02-08159. Proposed Use: To bring property  
37 into compliance with the 2001 Zoning Code, as amended. Council District 5.  
38  
39 Scholz: Okay, then it's case Z2827. We are doing them sequentially here.  
40 Anyone wish to speak to this one?  
41  
42 4. **Case Z2829:** Application of Kary Bulsterbaum on behalf of Mesilla Capital  
43 Investment, LLC to rezone from R-4 (Multi-Dwelling high Density & Limited  
44 Retail and Office) to O-2 (Office, Professional-Limited Retail Service) on a  
45 0.31+/- acre tract located on the west side of Walnut Street, 490 +/- feet south  
46 of its intersection with Lohman Avenue; a.k.a. 780 S. Walnut Street; Tax Parcel

1 02-22886; Proposed Use: To bring property into compliance with the 2001  
2 Zoning Code, as amended. Council District 3.

3  
4 Scholz: Okay, how about Z2829? No?

5  
6 Evans: Mr. Chairman?

7  
8 Shipley: Yes, Commissioner Evans.

9  
10 Evans: I'm interested in hearing this case; however, I'm not really interested....I  
11 understand the reasons for the change to bring it into compliance.  
12 However, I'd like to hear from the applicant what his intentions are for that  
13 particular piece of property.

14  
15 Shipley: Okay, so we'll take that off Consent and put it into New Business.

16  
17 Evans: I'm not sure... so were you on case... and I'm speaking about case  
18 Z2827.

19  
20 Scholz: Oh, okay. I was already on 2829.

21  
22 Evans: Okay, I'm sorry.

23  
24 Scholz: 2827?

25  
26 Evans: Yes.

27  
28 Scholz: Okay, I'll pull that and that'll be our first item under new business.

- 29  
30 5. **Case S-10-044:** Application of Beehive Homes on behalf of Paul D. G. Miller for  
31 a preliminary plat known as the Beehive Village of Las Cruces on a 2.79± acre  
32 tract located on the south side of Mars Avenue at the intersection of Valverde  
33 Loop; a.k.a. 0 Mars Avenue; Parcel ID# 02-25909. Proposed Use: Assisted-  
34 living facilities. Council District 5. **MOVED TO NEW BUSINESS APPROVED**

35 **7-0**

36  
37 Scholz: How about..., Let's see... 2829? There was no objection to that? No one  
38 to speak to that? Okay. I have a concern about case S-10-044, which is  
39 a preliminary plat and what I need to do, probably, is hear from... I think...  
40 Ms. Robertson, are you dealing with that? Okay, so I'll put that as our  
41 second item of New Business and it'll be just a short question, I think.

42  
43 Shipley: I want to pull it also.

44  
45 Scholz: You want to pull it also? Okay, good. So we'll move that to the second  
46 order of New Business. Now, under New Business we have actually the

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

5  
 6 Shipley: We have the Consent Agenda... the ones that are... will we deal with that  
 7 first?

8  
 9 Scholz: Pardon me?

10  
 11 Shipley: Don't we deal with the Consent Agenda before the ones that are...

12  
 13 Scholz: No, I want to deal with this first. I want to get this off our plate. Okay?  
 14 And then we'll deal with the other two pieces of new business.

15  
 16 *(Inaudible discussion among other Commissioners)*

17  
 18 Scholz: Oh, I'm sorry. I'm getting ahead of myself here. Yes, we have to do the  
 19 Consent Agenda then. Thank you, Commissioner Shipley. Okay, I'll  
 20 entertain a motion to accept the Consent Agenda and that's items one,  
 21 two and four. Okay?

22  
 23 Shipley: I so move.

24  
 25 Scholz: Is there a second?

26  
 27 Beard: Second.

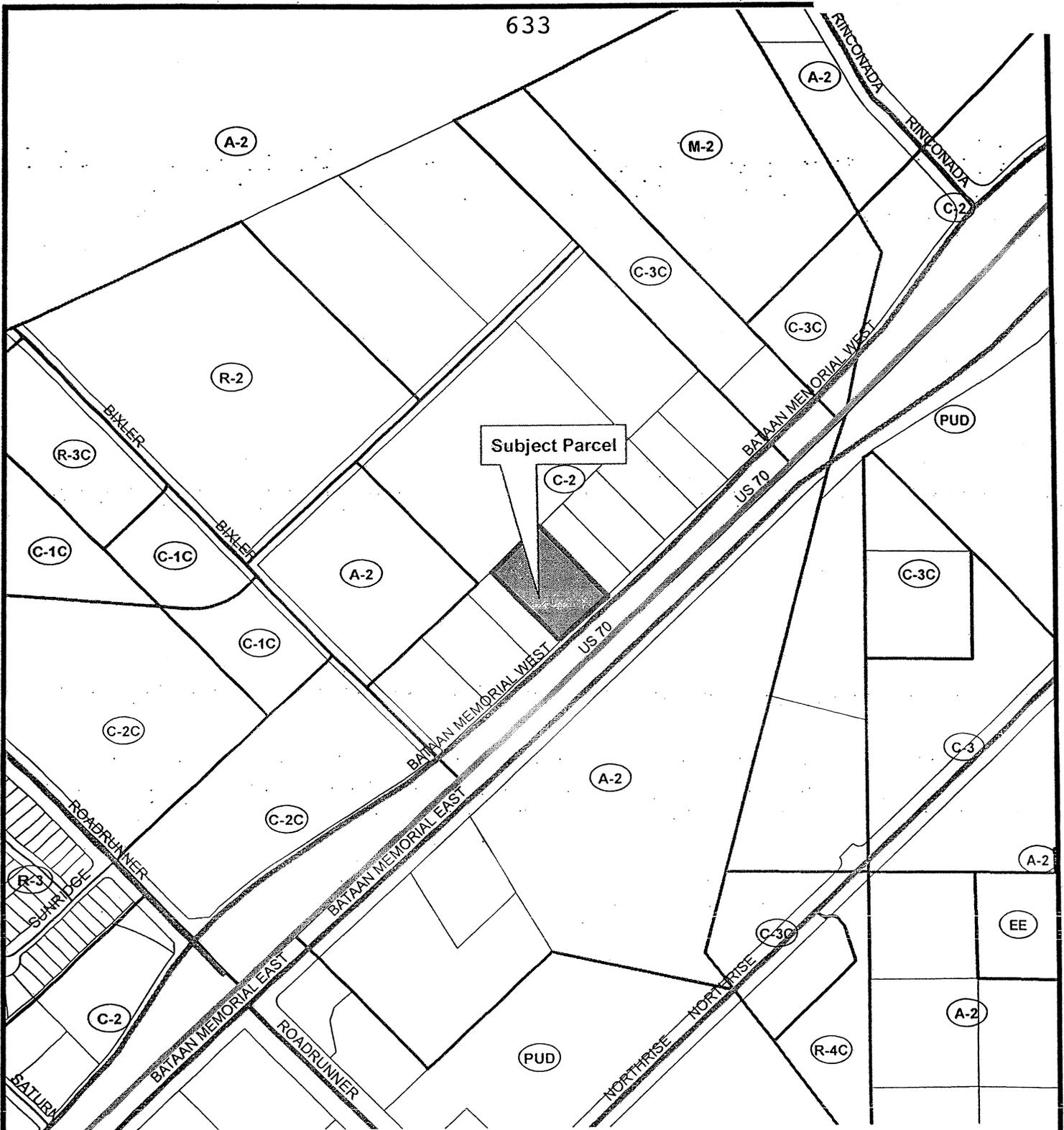
28  
 29 Scholz: Okay, so Shipley moved and Beard seconded. All those in favor say aye.

30  
 31 All: Aye.

32  
 33 Scholz: Those opposed same sign. All right, the Consent Agenda; items one, two  
 34 and four are adopted. Now, you're right, Commissioner Shipley. We  
 35 should actually go to case Z2827 first and then go to case S-10-044  
 36 before we do the adoption of Statement of Reasonable Notice; but before  
 37 we do that I want to amend the agenda because right now as our second  
 38 item we have Election of Officers and as our third item we have the  
 39 Appointment of a Member to the City's Affordable Housing Land Bank. I  
 40 really would like to put those at the end of the meeting. So, I'll entertain a  
 41 motion to move to amend the agenda by moving Election of Officers and  
 42 Appointment of a Member to the Affordable Housing Land Bank to the end  
 43 of New Business.

44  
 45 Beard: So moved.  
 46

633



Subject Parcel

### VICINITY MAP

**CASE NO. Z2826**  
**PARCEL: 02-07934**  
**OWNER: MESILLA VALLEY COMMERCIAL TIRE INC.**  
**ADDRESS: 3425 BATAAN MEMORIAL WEST**  
**ZONING: C-2 TO C-3**



*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.*

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