

## Council Action and Executive Summary

Item # 23 Ordinance/Resolution# 2611 Council District: 3

For Meeting of March 7, 2011  
 (Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO O-2 (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE) FOR 0.31 ± ACRES OF LAND LOCATED AT 780 S. WALNUT STREET. THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY KARY BULSTERBAUM ON BEHALF OF MESILLA CAPITAL INVESTMENT, LLC, PROPERTY OWNER (Z2829).

**PURPOSE(S) OF ACTION:** A request to rezone from R-4 to O-2 to facilitate compliance with the 2001 Zoning Code, as amended.

Name of Drafter: Adam Ochoa <i>OK for AD</i>		Department: Community Development		Phone: 528-3204	
Department	Signature	Phone	Department	Signature	Phone
Department Director	<i>[Signature]</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 Capital Investment, LLC, is requesting a zone change from R-4 (Multi-Dwelling High Density and Limited Retail and Office) to O-2 (Office, Professional-Limited Retail Service) for property 0.31 ± acres in size located at 780 S. Walnut Street (MPO classified Collector roadway). The subject property is located on the west side of Walnut Street, 490 ± linear feet south of its intersection with Lohman Avenue. The applicant is requesting the zone change in order to come into compliance with the 2001 Zoning Code, as amended. If the zone change is approved, the applicant shall be required to adhere to all O-2 development standards and all other applicable City development codes.

The property is currently developed as an office complex. The property initially developed as an office complex in circa 1986. The 1981 Zoning Code allowed office uses in the R-4 zoning district. With the adoption of the 2001 Zoning Code, as amended, the R-4 zoning district is a high density multi-dwelling residential zoning district that allows limited office uses that support a multi-dwelling residential land use. As the property does not contain any residential land uses, the office land use is not an allowed land use in the R-4 zoning district; making the property a legal non-conforming land use.

The site does not have adequate bicycle parking. Any expansion or structural modification greater than 10% of the total gross floor area of all of the buildings on the property will require the addition of bicycle parking stalls. The site is in compliance with automobile parking stalls, landscaping, and screening/buffering requirements.

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 Collector roadway where uses and centers like the existing office complex are encouraged. The proposed zone change is also located in an area of comparable zoning, uses, and intensity. The proposed zone change is also located in an area with access to multiple modes of transportation, i.e., auto, bicycle, and transit. The zone change will eliminate the non-conforming land use status of the property and align the use of the property with an appropriate zoning district.

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. No public comments were received.

**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 Z2829
5. Attachment "B"- Draft minutes from the January 25, 2011 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

**SOURCE OF FUNDING:**

<b>N/A</b>	<b>Is this action already budgeted?</b>	
	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>	<b>Does this action create any revenue?</b>	
	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:**

<b>Fund Name(s)</b>	<b>Account Number(s)</b>	<b>Expenditure Proposed</b>	<b>Available Budgeted Funds in Current FY</b>	<b>Remaining Funds</b>	<b>Purpose for Remaining Funds</b>
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 780 S. Walnut Street, with a combined area of 0.31 ± acres, will be rezoned from R-4 (Multi-Dwelling High Density & Limited Retail Office) to O-2 (Office, Professional-Limited Retail Service). 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 R-4 (Multi-Dwelling High Density) will remain on the subject property located at 780 S. Walnut Street. The subject property will remain non-conforming.
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.** 11-031  
**ORDINANCE NO.** 2611

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO O-2 (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE) FOR 0.31 ± ACRES OF LAND LOCATED AT 780 S. WALNUT STREET. THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY KARY BULSTERBAUM ON BEHALF OF MESILLA CAPITAL INVESTMENT, LLC, PROPERTY OWNER (Z2829).**

The City Council is informed that:

**WHEREAS**, Mesilla Capital Investment, LLC, the property owner, has submitted a request for a zone change from R-4 (Multi-Dwelling High Density & Limited Retail Office) to O-2 (Office, Professional-Limited Retail Service) for property located at 780 S. Walnut Street; 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 O-2 (Office, Professional-Limited Retail Service) for property located at 780 S. Walnut Street.

**(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: \_\_\_\_\_

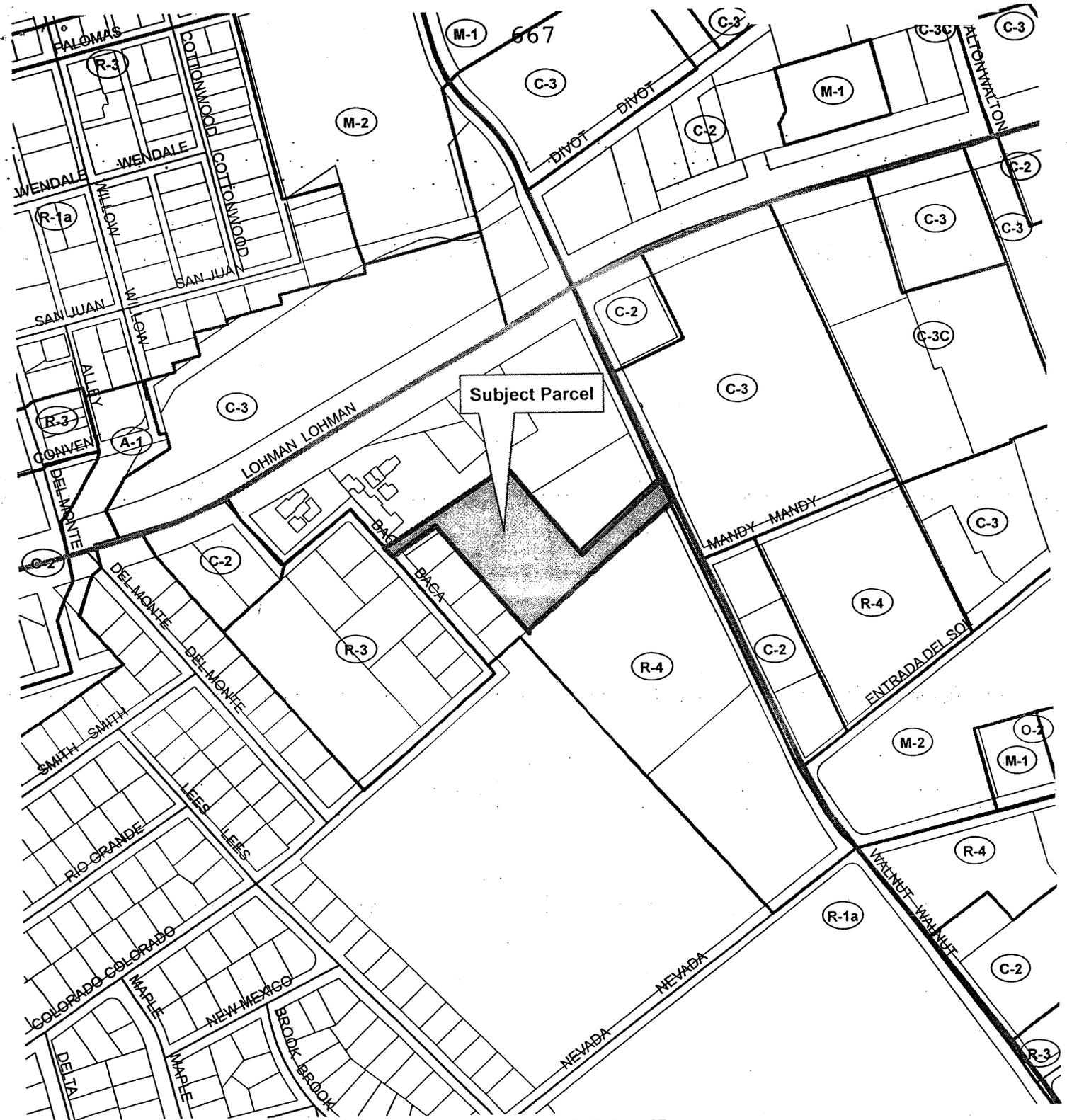
Councillor Connor: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

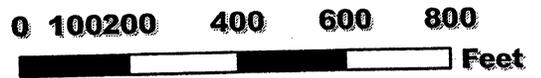
Councillor Thomas: \_\_\_\_\_



Subject Parcel

### VICINITY MAP

**CASE NO. Z2829**  
**PARCEL: 02-22886**  
**OWNER: MESILLA CAPITAL INVESTMENT LLC**  
**ADDRESS: 780 S WALNUT STREET**  
**ZONING: R-4 TO O-2**



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

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

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

1. The subject property is located at 780 S. Walnut Street, is zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and encompasses 0.31 ± acres.
2. An office complex currently exists on the subject property.
3. The subject property is located on Walnut Street and Baca Road, a Collector roadway and a Minor Local 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. The existing non-conforming office complex would be permitted by right.
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) Policies 1.6.2

Professional office uses shall be defined as those office uses which generate larger-scale business and professional service activities. There shall be no goods or merchandise prepared or sold on the premises of these uses, with the exception of those activities which serve the primary use. Professional office uses and centers shall be established according to the following criteria:

- a. Generally 2,500 gross square feet and above shall be permitted for a professional office use or center.
- b. Uses and centers shall be located on streets of collector level and above.
- c. The City shall pursue multi-modal access standards (auto, bicycle, pedestrian, transit where available) for professional office uses and centers.
- d. Professional office 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 design standards shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for loading areas.

- f. The City shall encourage the development of professional office centers to allow for maximum convenience with minimal traffic and encroachment related conflicts to adjacent uses.
- g. The City shall encourage the development of professional office uses and centers in the Central Business District and in the East Mesa area.
- h. Professional office uses are also permitted in medium intensity, high intensity, and regional commercial areas.

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Planning & Zoning  
Commission  
Staff Report

Date: January 19, 2011

**CASE #** Z2829

**PROJECT NAME:** 780 S. Walnut Street (Zone Change)

**APPLICANT:** Kary Bulsterbaum

**PROPERTY OWNER:** Mesilla Capital Investment, LLC

**REQUEST:** To rezone from R-4 (Multi-Dwelling high Density & Limited Retail and Office) to O-2 (Office, Professional-Limited Retail Service)

**PROPOSED USE:** Existing office complex

**SIZE:** 0.31 +/- acres

**CURRENT ZONING:** R-4 (Multi-Dwelling High Density & Limited Retail and Office)

**LOCATION:** The west side of Walnut Street, 490 +/- feet south of its intersection with Lohman Avenue; a.k.a. 780 S. Walnut Street; Parcel ID# 02-22886

**COUNCIL DISTRICT:** 3

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

**PREPARED BY:** Adam Ochoa, Planner

**STAFF RECOMMENDATION:** Approval

**PROPERTY INFORMATION**

Address/Location: The west side of Walnut Street, 490 +/- feet south of its intersection with Lohman Avenue; a.k.a. 780 S. Walnut Street; Parcel ID# 02-22886

Acreage: 0.31 +/-

Current Zoning: R-4 (Multi-Dwelling High Density & Limited Retail and Office)

Current Land Use: Office Complex

Proposed Zoning: O-2 (Office, Professional-Limited Retail Service)

Proposed Land Use: The existing office complex is not a permitted use under the R-4 zoning district of the current 2001 Zoning Code, as amended. The proposed zone change would bring the subject property into compliance with the 2001 Zoning Code, as amended.

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 Existing	12,400 square feet existing
Minimum Lot Size	5,000 square feet
Minimum lot width	60 feet wide/70 feet deep
Maximum Height	60 feet

**PHASING**

Is phasing proposed? Yes  No

If yes, how many phases?

Timeframe for implementation:

**ADJACENT ZONING AND LAND USE INFORMATION**

**Table 2: Land Uses**

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Office Complex	R-4	Multi-Dwelling high Density & Limited Retail and Office
Surrounding Properties	North	Commercial	C-3	Commercial High Intensity
	South	Community Building	R-4	Multi-Dwelling high Density & Limited Retail and Office
	East	Commercial	C-3	Commercial High Intensity
	West	Residential	R-4	Multi-Dwelling high Density & Limited Retail and Office

**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 6, Policy 1.6.2

Analysis: The 2001 Zoning Code, as amended, currently does not allow the use of an office complex in the R-4 zoning district. The zone change from R-4 to O-2 is required for the subject property to bring it into compliance with current code. Access to the subject property is located on a Collector roadway, which can support uses such as an office complex. The surrounding area consist of commercial, and multi-family uses and the proposed zone change would be comparable to the surrounding uses.

**REVIEWING DEPARTMENT COMMENTS**

Fire Prevention:

	CONCERN		
	low	med	high
Accessibility Issues			
Building Accessibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Secondary Site/Lot Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireflow/Hydrant Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Type of building occupancy: B Occupancy (Business)

Nearest Fire Station

Distance: 0.98 +/- miles

Address: 1199 Foster Road

Adequate Capacity to Accommodate Proposal? Yes  No

Additional Comments: Recommendation for approval

Police Department:

Additional Comments: N/A

Engineering Services:

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

Development Improvements:

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

Additional Comments: Any new development, remodels, or additions on the subject property will be required to comply with current City of Las Cruces Design Standards.

MPO

Road classifications: Walnut Street classified as a Collector roadway  
Baca Road classified as a Minor Local roadway

Additional Comments: Recommendation for approval

Public Transit

Where is the nearest bus stop? 0.18 +/- 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:  
New Mexico Department of Transportation did not review the proposed zone change

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Adequate curb cut	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Intersection sight problems	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Off-street parking problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

On-Street Parking Impacts

None  Low  Medium  High  N/A

Explain: On-Street parking not permitted

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: 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 City of Las Cruces requirements.

Wastewater Availability and CapacityWastewater 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 City of Las Cruces requirements.

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: Hermosa Heights Elementary | Distance: 0.23 +/- miles |
| Enrollment: 536                           |                          |
| 2. Middle School: Lynn Middle School      | Distance: 0.20 +/- miles |
| Enrollment: 719                           |                          |
| 3. High School: Las Cruces High School    | Distance: 1.55 +/- miles |
| Enrollment: 2326                          |                          |

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? 74 How many are accessible? 4

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

If yes, how many parking spaces will be required? How many accessible?

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: Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on the property is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate bicycle parking; this includes the entire office center.

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?

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? No additional buffering will be required for the subject property

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

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 existing office complex.

**Table 3: Special Characteristics**

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

**Table 4: Project Chronology**

Date	Action
January 3, 2011	Application submitted to Development Services.
January 3, 2011	Case sent out for review to all reviewing departments
January 4, 2011	Case reviewed and recommended for approval 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 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 existing office complex on the subject property is currently not permitted in the R-4 (Multi-Dwelling High Density & Limited Retail and Office) zoning district. The proposed zone change to O-2 (Office, Professional-Limited Retail Service) would bring the subject property into compliance with the 2001 Zoning Code, as amended.

## FINDINGS

1. The subject property is located at 780 S. Walnut Street, is zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and encompasses 0.31 +/- acres.
2. An office complex currently exists on the subject property.
3. The subject property is located on Walnut Street and Baca Road, a Collector roadway and a Minor Local 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. The existing non-conforming office complex would be permitted by right.
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. Vicinity Map
5. Comprehensive Plan Goal 1, Objective 6, Policy 1.6.2

**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: Norman L. Priskop  
Contact Person: Norman L. Priskop  
Contact Phone Number: 575-527-2067  
Contact e-mail Address: NPriskop@PriskopandCompany.com  
Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property 780 Walnut Walnut Professional Plaza

(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: R-4

Proposed Zoning: O-2

Acreage of Subject Property: Condo Association (Yotel unknown)

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

Law Firm Foot Doctor

Dentistry

Medical (General Practice) All uses currently exist

Accounting & in operation

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

All structures within plaza currently exceed 1500 sqft

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

8-5

Anticipated traffic generation \_\_\_\_\_ trips per day (if known).

Anticipated development schedule: Work will commence on or about \_\_\_\_\_  
and will take approximately \_\_\_\_\_ to complete.

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

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:

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**Attachments**

Please attach the following: (\* indicates optional item)

Location map

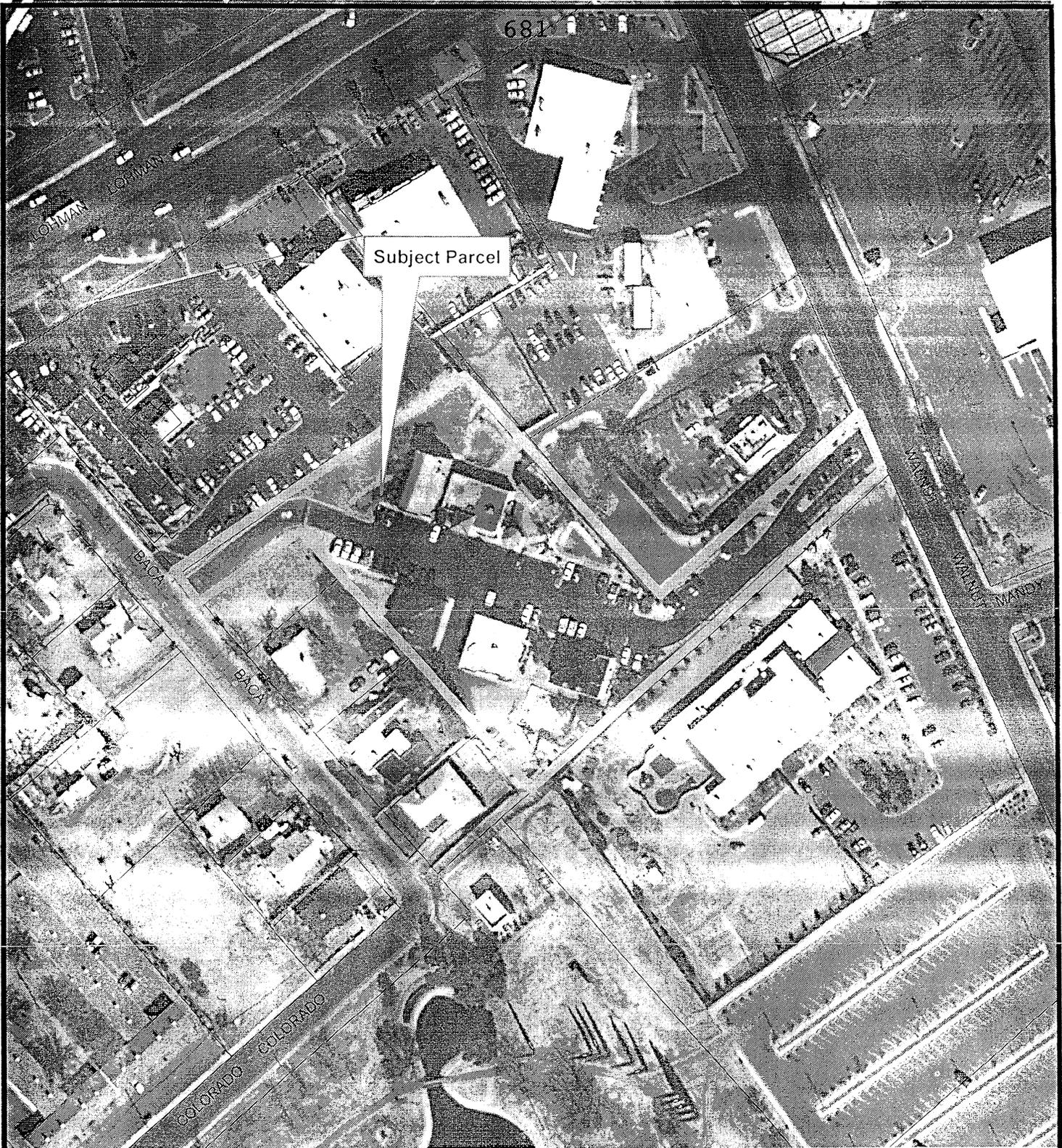
Detailed site plan

Proposed building elevations\*

Renderings or architectural or site design features\*

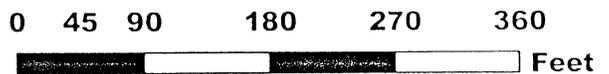
Other pertinent information\*





# AERIAL MAP

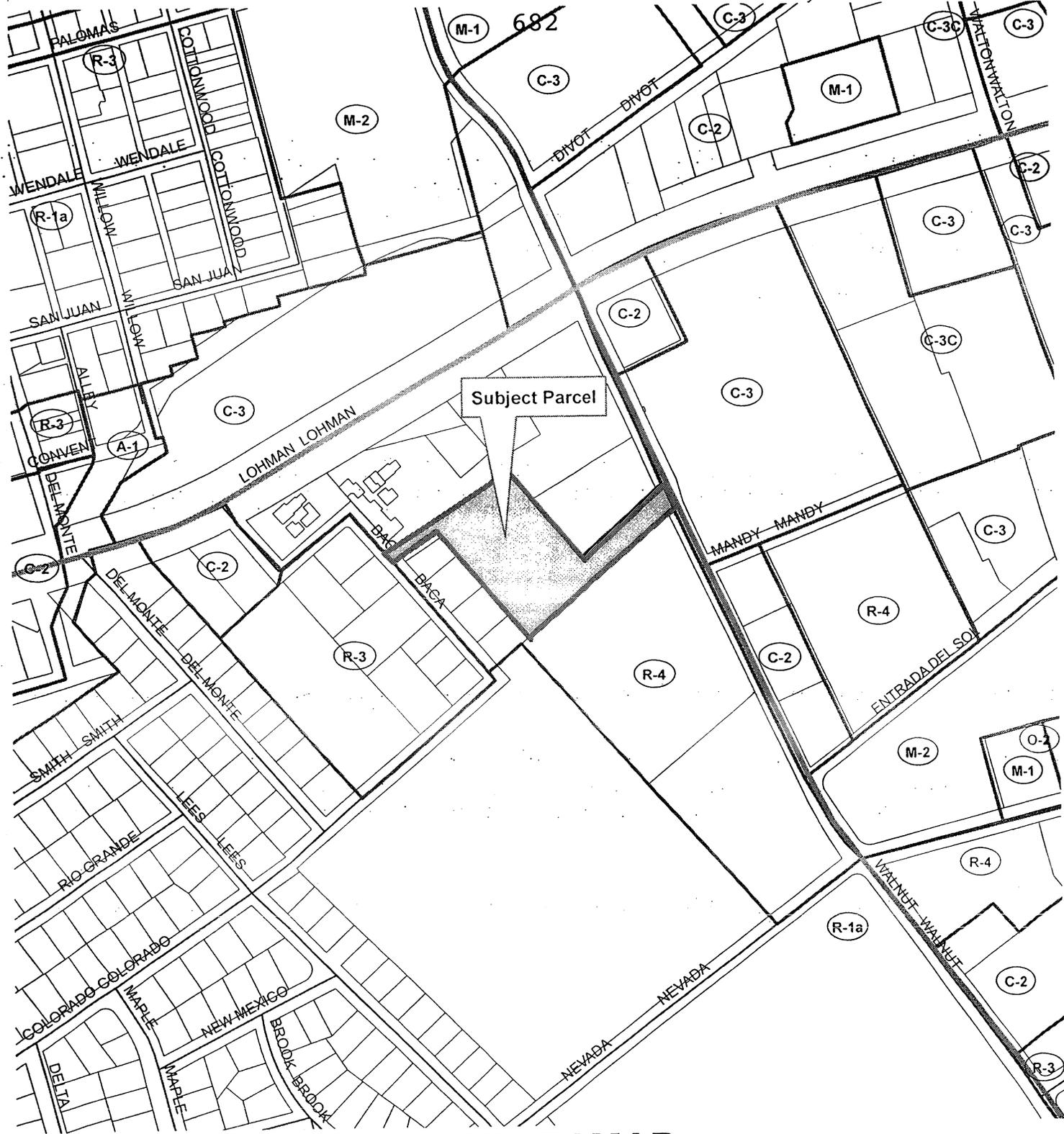
**CASE NO. Z2829**  
**PARCEL: 02-22886**  
**OWNER: MESILLA CAPITAL INVESTMENT, LLC**  
**ADDRESS: 780 S WALNUT STREET**  
**ZONING: R-4 TO O-2**



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

Attachment #4



### VICINITY MAP

**CASE NO. Z2829**  
**PARCEL: 02-22886**  
**OWNER: MESILLA CAPITAL INVESTMENT LLC**  
**ADDRESS: 780 S WALNUT STREET**  
**ZONING: R-4 TO O-2**



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**(505) 528-3222**

## Comprehensive Plan Analysis

### Land Use Element (Land Uses)

#### Goal 1, Objective 6

##### Policies:

- 1.6.2. Professional office uses shall be defined as those office uses which generate larger-scale business and professional service activities. There shall be no goods or merchandise prepared or sold on the premises of these uses, with the exception of those activities which serve the primary use. Professional office uses and centers shall be established according to the following criteria:
- a. Generally 2,500 gross square feet and above shall be permitted for a professional office use or center.
  - b. Uses and centers shall be located on streets of collector level and above.
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  - d. Professional office 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 design standards shall be established in the Comprehensive Plan Urban Design Element.
  - e. Adequate space for functional circulation shall be provided for loading areas.
  - f. The City shall encourage the development of professional office centers to allow for maximum convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
  - g. The City shall encourage the development of professional office uses and centers in the Central Business District and in the East Mesa area.
  - h. Professional office uses are also permitted in medium intensity, high intensity, and regional commercial areas.

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
January 25, 2011 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

Charles Scholz, Chairman  
Godfrey Crane, Vice Chair  
Ray Shipley, Member  
William Stowe, Member  
Shawn Evans, Member  
Charles Beard, Member  
Donald Bustos, Member

**BOARD MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Cheryl Rodriguez, Development Services Administrator  
Ellie Cain, Senior Planner  
Jennifer Robertson, Planner  
Helen Revels, Planner  
Adam Ochoa, Planner  
Mark Dubbin, Fire Department  
Jared Abrams, CLC Legal Staff  
Bonnie Ennis, Recording

**I. CALL TO ORDER (6:00 pm)**

Scholz: Good evening and welcome to the Planning and Zoning Commission for January 25, 2011. I want to introduce the members of the Zoning Commission before we begin and then we will do the approval of the minutes and all of our regular business. On my far right is Commissioner Shipley. Commissioner Shipley is the Mayor's appointment. Next to him is Commissioner Crane. Commissioner Crane represents Council District 4. Next to him is Commissioner Stowe. He represents Council District 1. Next to him is Commissioner Evans, Council District 5; then Commissioner Bustos, Council District 3. Next to me is Commissioner Beard, Council District 2 and I represent Council District 6.

**II. APPROVAL OF MINUTES – December 14, 2010; December 28, 2010**

Scholz: The first order of business is the approval of minutes, gentlemen. We actually have two sets of minutes to approve. The first one is from

- 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.

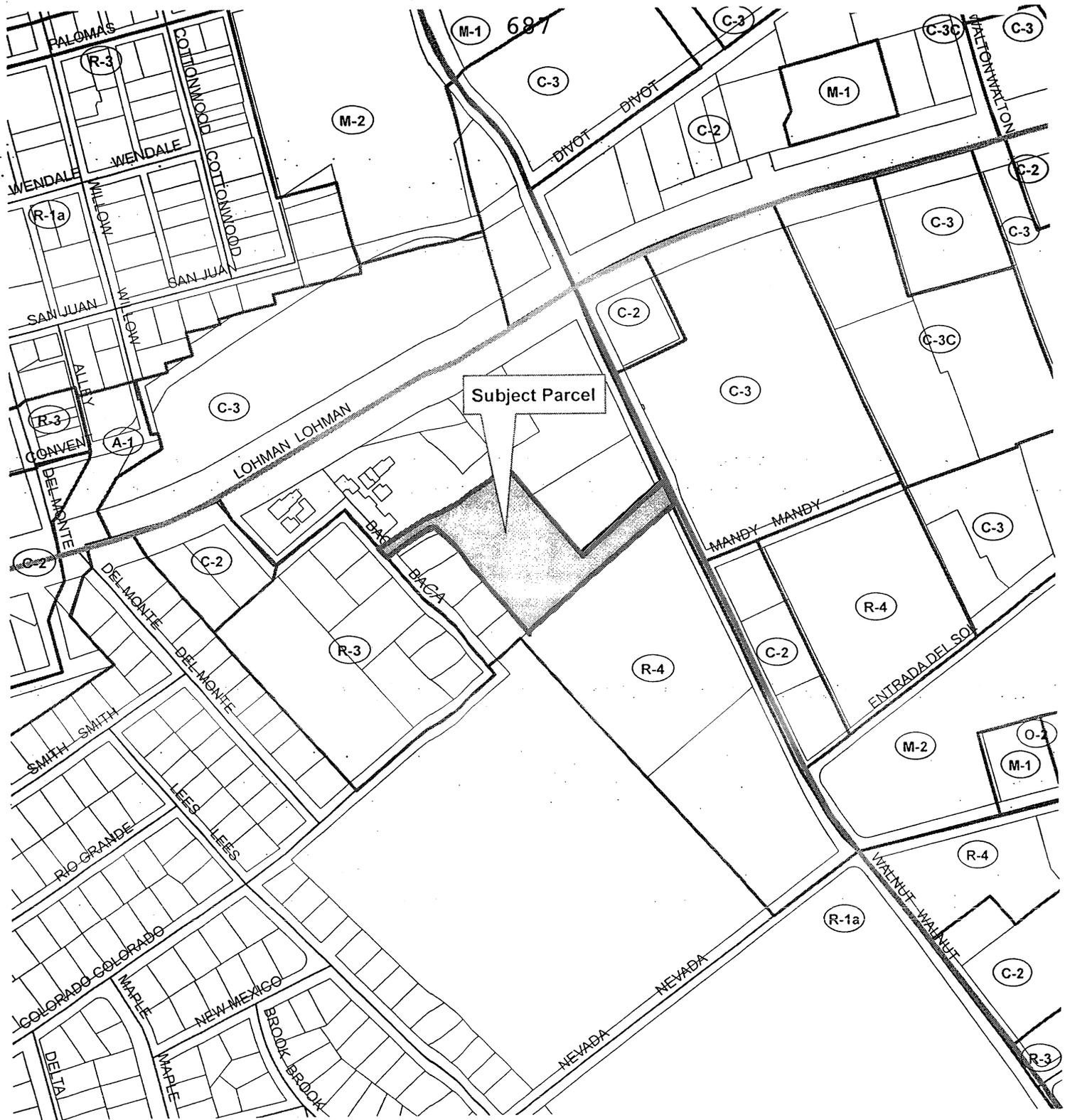
27  
28 Scholz: Okay, I'll pull that and that'll be our first item under new business.

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.

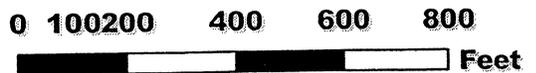
44  
45 Scholz: You want to pull it also? Okay, good. So we'll move that to the second  
46 order of New Business. Now, under New Business we have actually the



Subject Parcel

### VICINITY MAP

**CASE NO. Z2829**  
**PARCEL: 02-22886**  
**OWNER: MESILLA CAPITAL INVESTMENT LLC**  
**ADDRESS: 780 S WALNUT STREET**  
**ZONING: R-4 TO O-2**



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

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