City of Las Cruces®

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Council Action and Executive Summary

Item # 8 **Ordinance/Resolution#** 2610 **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 1.55± ACRES OF LAND LOCATED ON THE NORTH SIDE OF US 70/BATAAN MEMORIAL WEST AT THE INTERSECTION OF SATURN CIRCLE. THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUMITTED BY CHRISTIAN RICKY SR. ET AL. (Z2827)

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

Drafter and Staff Contact: Jennifer Robertson		Department: Community Development		Phone: 528-3226	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The property owner, Christian Ricky Sr. et al, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for a 1.55 ± acre tract of land. The subject property is located on the north side of US 70/Bataan Memorial West at the intersection of Saturn Circle. 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);
- 1.55 ± acres in size;
- Not in compliance with C-2 lot size requirements (maximum 1 acre); and
- Not currently proposed for development.

The proposed zone change is supported by several Land Use Elements within in 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 facilitates compliance with the 2001 Zoning Code, as amended.

On January 25, 2011, the Planning and Zoning Commission recommended approval for the zone change request by a vote of 7-0-0. There were no comments received from the general 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 Z2827
5. Attachment "B" – Draft minutes from the January 25, 2011 Planning and Zoning Commission meeting
6. Attachment "C" – 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: _____in the amount of $_____.
	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" to approve the proposed Ordinance. This action affirms the Planning and Zoning Commission recommendation and allows the property to be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on 1.55± acres located on the north side of US 70/Bataan Memorial West at the intersection of Saturn Circle.

2. Vote "No" to deny the proposed Ordinance. This action does not uphold the recommendation made by the Planning and Zoning Commission. The subject property will remain with the C-2 zoning designation. Any future development on the property would require another zone change request or a subdivision of land to comply with the 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. 11-030
ORDINANCE NO. 2610

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 1.55± ACRES OF LAND LOCATED ON THE NORTH SIDE OF US 70/BATAAN MEMORIAL WEST AT THE INTERSECTION OF SATURN CIRCLE. THE PROPOSED ZONE CHANGE WOULD BRING THE SUBJECT PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY CHRISTIAN RICKY SR. ET AL. (Z2827)

The City Council is informed that:

WHEREAS, Christian Ricky Sr. et al, the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 1.55 ± acres located on the north side of US 70/Bataan Memorial West at the intersection of Saturn Circle; 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 tract more particularly described in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity).

(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 properties be shown accordingly on the City Zoning Atlas.

(IV)

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

DONE AND APPROVED this_____ day of _____ 2011.

APPROVED:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

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

Moved by: _____

Seconded by: _____

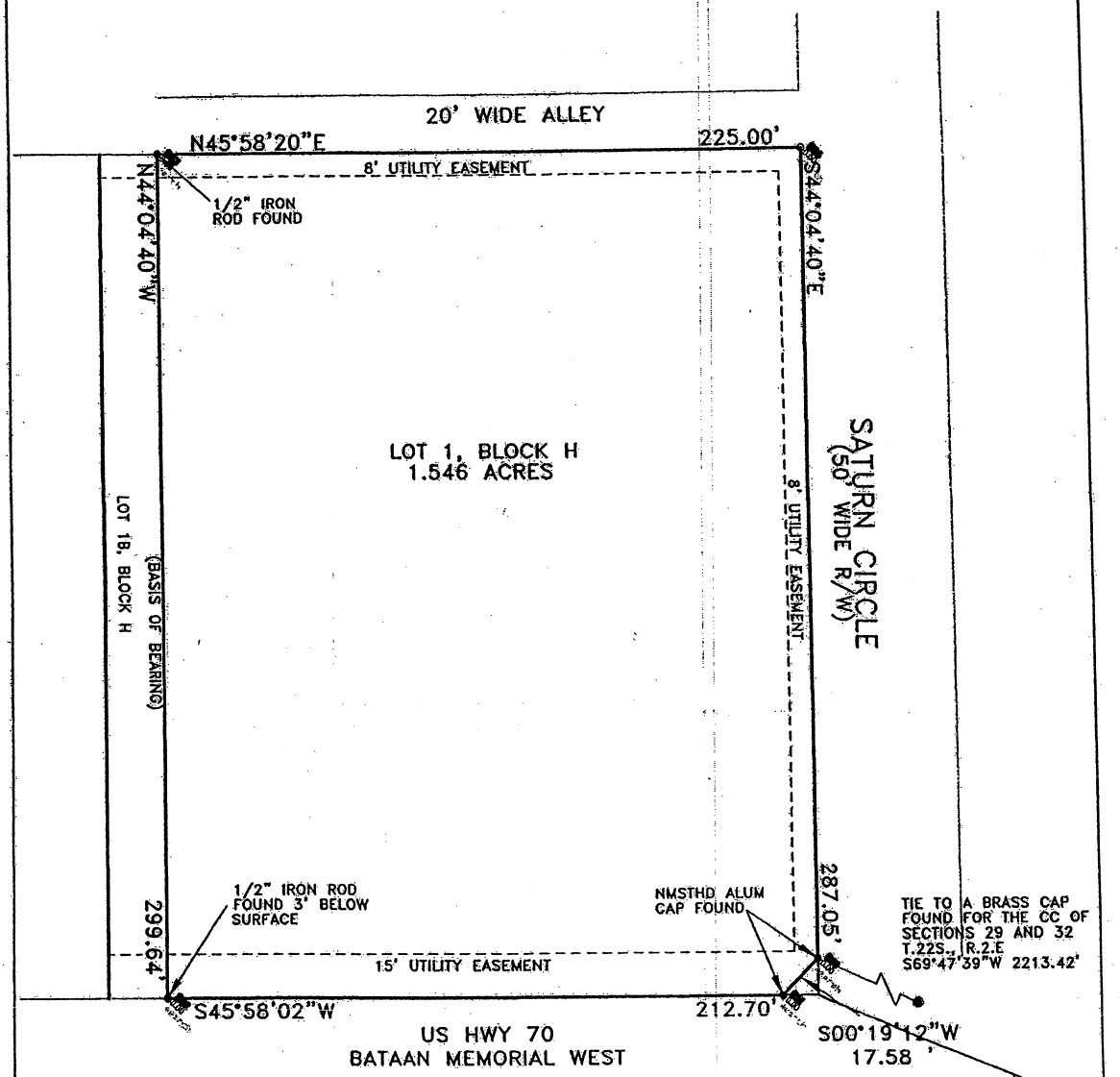
APPROVED AS TO FORM:

City Attorney

EXHIBIT A

PLAT OF SURVEY OF LOT 2, BLOCK H, FOUR HILLS SUBDIVISION
AS RECORDED FEBRUARY 24, 1976 IN PLAT BOOK 12, PAGES 44-45
OF THE DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE 1" = 50' DECEMBER 20, 2010



THIS PARCEL OF LAND IS IN FLOOD ZONE "X" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS DATED SEPTEMBER 6, 1995.

LEGEND
• MONUMENT AS DESCRIBED
○ 1/2" IRON ROD SET

2.5 10 100
0 5 20
SCALE: 1" = 50'

SURVEYOR'S CERTIFICATION

I, MICHAEL T. SANDERS, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

MICHAEL T. SANDERS NEW MEXICO 18619 LICENSED PROFESSIONAL SURVEYOR

12-20-10

MICHAEL T. SANDERS, PLS 18619 DATE

THE LANDCRAFT GROUP
2025 CHISHOLM TR. 575-649-4612
LAS CRUCES, NM 88005 THELANDCRAFTGROUP@COMCAST.NET

Exhibit "B"

Findings and Comprehensive Plan Analysis

1. The subject property is located on the north side of US 70/Bataan Memorial West at the intersection of Saturn Circle; a.k.a. 0 Bataan Memorial West; Parcel ID# 02-08159.
2. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) would bring the subject property into compliance with the 2001 Zoning Code, as amended.
3. Approval of this request would allow the property to be developed and marketed for Commercial High Intensity uses.
4. The zone change request is consistent with the Goals Objectives and Policies of the City of Las Cruces Comprehensive Plan:

   Land Use Element, Goal 1

   Policy 1.5.3

   a. 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:
   b. 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.
   c. 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.
   d. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
   e. 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.
   f. Adequate space for functional circulation shall be provided for parking and loading areas.
   g. 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.
   h. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
   i. Low and medium intensity commercial use are permitted in high intensity commercial areas.

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PLANNING AND ZONING COMMISSION
AGENDA

The following agenda will be considered by the Planning and Zoning Commission of the City of Las Cruces, New Mexico, at a public hearing held on **Tuesday, January 25, 2011 beginning at 6:00 p.m. at City Hall, 700 N. 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 Community Development Department at least 48 hours before the meeting by calling 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers listed above.

I. CALL TO ORDER

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

III. POSTPONEMENTS

IV. WITHDRAWALS

V. CONSENT AGENDA

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.

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.

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.

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.

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.

VI. NEW 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.

2. Election of Officers

3. Appointment of Primary Member and Alternate Member to the City's Affordable Housing Land Bank and Trust Fund Advisory Committee

4. **Case IDP-44:** Application of Xtreme Design Plans, LLC on behalf of Michael and Janet Cruz for an infill development proposal requesting the following development standards: 15 ft. front yard setback, 20 ft. secondary front yard setback, 5 ft. side yard setback, 5 ft. rear yard setback and 20' garage setback on a 0.129± acre tract located on the south side of East Picacho Avenue at the intersection of Manzanita Street; a.k.a. 640 East Picacho Avenue; Parcel ID# 02-04949. Proposed Use: New construction of a single-family residence. Council District 1.

5. **Case Z2822:** Application of Jake Redford on behalf of Mactimski, LLC to rezone from O-2C (Office, Professional-Limited Retail Service-Conditional) to C-2C (Commercial Medium Intensity-Conditional) on a 0.6+/- acre tract located on the east side of Telshor Boulevard, 655 +/- feet south of its intersection with Foothills Road; a.k.a. 775 S. Telshor Boulevard; Parcel ID# 02-40360; Proposed Use: Construction of a restaurant/café. Council District 6.

6. **Case Z2825:** Application of ASA Architects on behalf of the Las Cruces Housing Authority to rezone from R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) to C-2 (Commercial Medium Intensity) on a 0.68+/- acre tract located on the northwest corner of Oak Street and Union Avenue; a.k.a. 3350 Oak Street; Parcel ID# 02-13094; Proposed Use: Transitional living and counseling facility for Veterans. Council District 2.

VII. PUBLIC PARTICIPATION

VIII. STAFF ANNOUNCEMENTS

1. Work Session on February 8, 2011 at 6pm in Council Chambers

IX. ADJOURNMENT

to have the staff amend the numbering of these items since that was a typo here. Could I hear a motion to that effect?

Evans: So moved.

Scholz: Okay, it's been moved. Is there a second?

Crane: Seconded.

Scholz: Okay, Evans moved and Crane seconded it. All those in favor of telling the staff to correct the numbering say aye.

All: Aye.

Scholz: And those opposed same sign. Thank you, gentlemen.

PRESENTED, DISCUSSED AND VOTED AS NEW BUSINESS (SEE NEW BUSINESS BELOW):

START

6. **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. **MOVED FROM CONSENT AGENDA TO NEW BUSINESS – APPROVED 7-0**

Scholz: All right, our first order of new business then is going to be Z2827. Commissioner Evans, you had a problem with that?

Evans: No. In fact, I support bringing the zoning into compliance and I just want to and… I am a resident on Saturn Circle and I would just like to hear from the applicant what his plans are for that….

Scholz: Okay. Would you come down and address us, please, sir?

Mattocks: Jim Mattocks; and our main goal is just to bring it into compliance so if we do decide to do something with it then we will be in compliance.

Evans: So there's no… so, I mean, I understand that the property's up for sale and there's no … you don't have really any intentions of developing that? By the way I am, you know, pro-development. I'd like to see that area developed and, just being a resident, I'm just curious as to what type of plans you have for that piece of property.

Mattocks: I mean, like I said; we're just trying to get into compliance so there will be some interest or it could be developed down the road. Right now, if somebody goes to apply for a permit they're going to be denied because it's not into compliance.

Evans: Sure. I understand.

(Several people speaking at the same time – cannot transcribe)

Mattocks: Thank you.

Evans: Thank you.

Shipley: Good. Is there anyone else from the audience who wishes to speak to this? Okay, thank you very much, sir. I'm sorry. There was a gentleman who was starting to rise.

Bulsterbaum: My name's Kary Bulsterbaum. I'm a TCME realtor in town. We've had that property…

Scholz: You'll have to stay close to the microphone, sir.

Bulsterbaum: Sorry.

Scholz: Can you raise up the microphone or raise up the podium there? There we go: the magic podium.

Bulsterbaum: My name's Kary Bulsterbaum. I'm.... once again, I'm a commercial realtor here in town with Steinborn TCME. We're actually the listing agent on that property. There is nothing I can really add to what Mr. Mattocks said and then, obviously, it sounds like you are aware of the zoning compliances. I can just tell you on that property we've had multi-family references, churches, building service organizations, counseling services, all sorts of organizations that have had interest in that land. The problem is, as you know, is because even if they applied for a business permit tomorrow what's going to be the biggest marketing detractor against that property is that when they apply for a business permit. In effect, until the zone change happens it just really affects the marketability of that. It's hard to tell at this time what that use could be ultimately used for. I just hope by giving you a flavor for what that could be.... I just wanted to elaborate on that. That's it.

Evans: That's fine. I appreciate it.

Scholz: Thank you very much. All right, I'm going to close this to public discussion then and ask for a vote by the Commissioners.

Shipley: Move to approve case number Z2827.

Evans and Bustos: Second.

Scholz: And it was seconded by a tie, I think, between Evans and Bustos. All right, I'll call the role. Commissioner Shipley.

Shipley: Aye, findings, discussion and site visit.

Scholz: Commissioner Crane.

Crane: Aye, findings and discussion.

Scholz: Commissioner Stowe.

Stowe: Aye, findings and discussion.

Scholz: Commissioner Evans.

Evans: Aye, findings and discussion.

Scholz: Commissioner Bustos.

Bustos: Aye, findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye, findings and discussion.

ND Scholz: And the Chair votes aye, findings, discussion and site visit. All right, so that's approved.

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 FROM CONSENT AGENDA AS ITEM NUMBER 2 UNDER NEW BUSINESS APPROVED 7-0**

Scholz: Okay, that brings us to the second order of new business which was case S-10-044 and, Ms. Robertson, I had a question about this and the question was about... and I'll get to your question in just a moment, Commissioner Shipley. My question was about the plat. Frankly, I couldn't figure it out. This is ... it's right ahead of attachment 2. It says: "Preliminary Plat Beehive Village" and I don't know if it's a matter of my

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Planning & Zoning Commission Staff Report

Date: January 11, 2011

CASE #	Z2827
PROJECT NAME:	Four Hills Subdivision, Block H, Lot 2
APPLICANT:	Jim Mattocks
PROPERTY OWNER:	Christian Ricky Sr. et al
REQUEST:	To rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)
PROPOSED USE:	Unspecified High Intensity Commercial
SIZE:	1.55± acres
CURRENT ZONING:	C-2 (Commercial Medium Intensity)
LOCATION:	The north side of US 70/Bataan Memorial West at its intersection with Saturn Circle; a.k.a. 0 Bataan Memorial West; Parcel ID# 02-08159.
COUNCIL DISTRICT:	5
PLANNING COMMISSION DATE:	January 25, 2011
PREPARED BY:	Jennifer Robertson
STAFF RECOMMENDATION:	Approval

PROPERTY INFORMATION

Address/Location: On the north side of US 70/Bataan Memorial West at its intersection with Saturn Circle; a.k.a. 0 Bataan Memorial West; Parcel ID# 02-08159.

Acreage: 2.79± 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)	Not Specified
Current Lot Size	1.56 ± acres or 67,344 ± square feet
Current Lot Depth/Width	287 ± feet/ 212 ± feet
Existing Building Height	Not Specified
Development Standards for Existing Zoning of C-2	
Minimum Lot Size	10,000 square feet
Maximum Lot Size	1 acre or 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:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Undeveloped	C-2	Commercial Medium Intensity
Surrounding Properties	North	Residential	C-2	Planned Unit Development and Multi-Dwelling High Density & Limited Retail and Office
	South	US70/Battaan Memorial	N/A	N/A
	East	Commercial	C-2	Commercial Medium Intensity
	West	Undeveloped	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 3, Policy 1.3.1
2. Goal 1, Objective 3, Policy 1.3.4
3. Goal 1, Objective 3, Policy 1.3.5
4. Goal 1, Policy 1.3.10

Urban Design Element
1. Goal 1, Objective 4, Policy 1.4.1c

Additional Comments: Recommendation of approval. This proposal is a conversion from C-2 to C-3, in order to comply with the 2001 zoning code which does not allow C-2 zoned lots to exceed 1 acre in size. The parcel is on a minor arterial roadway (Bataan Memorial West) and between principal and minor arterial roads (Del Rey Boulevard and Roadrunner Parkway, respectively), so the transportation system should be adequate for a high intensity use. The adjacent parcels are zoned C-2, but are for the most part larger than one acre, so they will eventually also require rezoning or subdividing. This request is not out of character for the area and advanced planning staff has no objections.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

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

Type of building occupancy: No building proposed at this time

Nearest Fire Station
Distance: 1,300± linear feet
Address: 2750 Northrise Drive
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐
Explain: No comments made to indicate otherwise.

Additional Comments: Recommendation of approval. 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.

Police Department:

Additional Comments: The police department did not review this application, since there is no development proposed at this time.

Engineering Services:

Flood Zone Designation: X(1) (Between the 100 and 500 Year Flood Zone)

Development Improvements: Internal site improvements are required at the time of subdivision or building permit when the lot is developed.

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: Recommendation of approval. Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Flood Zone Ordinance 1933 and Design Standards. Excess pond runoff must be retained onsite with the use of on-lot ponding. Pond maintenance is the responsibility of the lot owner. Additionally, access from Bataan Memorial West will require an NMDOT driveway permit.

MPO

Road classifications: Bataan Memorial West is a Minor Arterial. Saturn Circle is a local road..

Additional Comments: Recommendation of approval. No additional comments received.

Public Transit

Where is the nearest bus stop? Bataan Memorial West at Cattlemen's 1,235± linear feet west of the subject property..

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

Explain: No new bus stops/ shelters are required at this time

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: NMDOT did not review this application. At the time of building permit when the lot is developed, any direct access proposed from Bataan Memorial West will require an access permit from NMDOT, prior to the issuance of said permit. Access improvements may be required by NMDOT at the time of building permit when the lot is developed.

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	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: At the time of lot development, on street parking restrictions may need to be imposed due to restrictions in roadway width along Saturn Circle.

Future Intersection Improvements

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

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with the City of Las Cruces Curb Cut Ordinance 1250, the Design Standards and/or Zoning Code.

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: Recommendation of approval. No water rights issues exist for the subject property. 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; said extensions must conform to all applicable City of Las Cruces requirements.

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: Recommendation of approval. 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; said extensions must conform to all applicable 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: Jornada Elementary — Distance: 6,400± feet east of the subject property
   Enrollment: 572
2. Middle School: Camino Real Middle School — Distance: 6,500± feet south of the subject property
   Enrollment: 775
3. High School: Onate High School — Distance: 16,500± feet east of the subject property
   Enrollment: 2088

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

Explain: No residential development is proposed, so there should be no impact on 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 spaces will be determined by land use specified at time of permitting 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: At the time of building permit when the lot is developed, the subject property shall comply with the parking requirements of the 2001 Zoning Code, as amended.

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 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 the time of building permit when the lot is developed, the subject property shall comply with the buffering and screening requirements of the 2001 Zoning Code, as amended

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: The property is undeveloped.

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: No park impact fees are assessed for commercial development.

Table 3: Special Characteristics

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

Table 4: 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 11, 2011	All comments returned by all reviewing departments
January 4, 2011	Staff reviews and recommends approval of the zone change.
January 9, 2011	Newspaper advertisement
January 14, 2011	Public notice letter mailed to neighboring property owners
January 14, 2011	Sign posted on property
January 25, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The property does not currently comply with the zoning designation of C-2 as the property is too large for this district. The lot size of the property will only accommodate the zoning designation of C-3, as it is the only zoning designation that allows for lots over one (1) acre in size.

FINDINGS

1. The subject property is located on the north side of US 70/Bataan Memorial West at the intersection of Saturn Circle; a.k.a. 0 Bataan Memorial West; Parcel ID# 02-08159.

2. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) 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 the City of Las Cruces Comprehensive Plan.

4. Approval of this request would allow the property to be developed and marketed for Commercial High Intensity uses.

STAFF RECOMMENDATION

Approval

DRC RECOMMENDATION

N/A

ATTACHMENTS

1. Development Statement
2. Copy of Site Plan
3. Comprehensive Plan Elements and Policies
4. Zoning Map
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: Jim Mattocks

Contact Person: Jim Mattocks

Contact Phone Number: 575-644-4478

Contact e-mail Address: Jim @ JJsupplyinc.com

Web site address (if applicable):

Proposal Information

Location of Subject Property The East corner of Saturn and Bataan US.7

(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: C2

Proposed Zoning: C3

Acreage of Subject Property: 1.546

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

Vacant Land being brought into Compliance with Current Zoning Code

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

N/A

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

N/A

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

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

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

N/A

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

N/A

Attachments

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

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

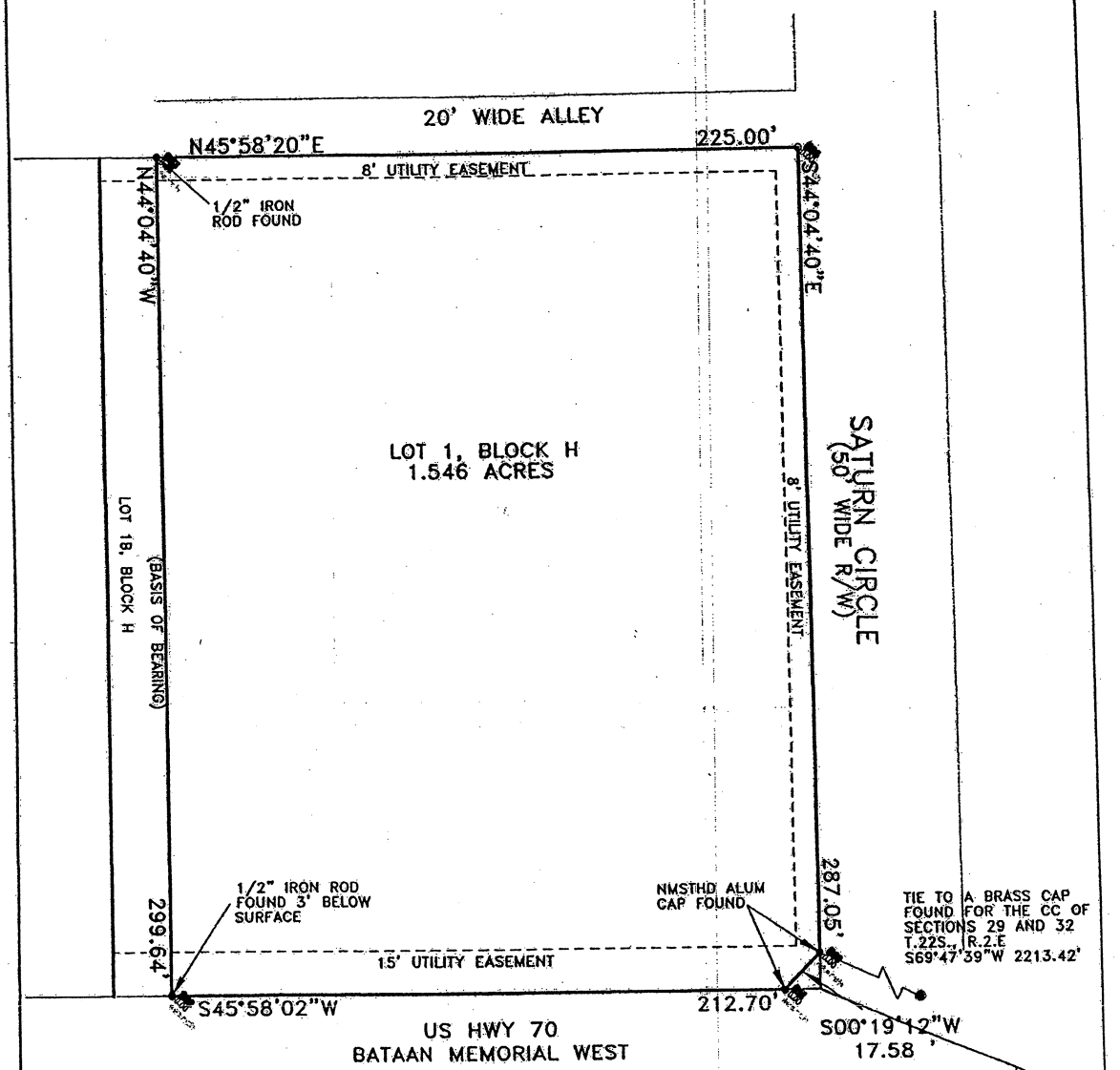
Other pertinent information*

ATTACHMENT 2

PLAT OF SURVEY OF LOT 2, BLOCK H, FOUR HILLS SUBDIVISION AS RECORDED FEBRUARY 24, 1976 IN PLAT BOOK 12, PAGES 44-45 OF THE DONA ANA COUNTY RECORDS

CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

SCALE 1" = 50' DECEMBER 20, 2010



THIS PARCEL OF LAND IS IN FLOOD ZONE "X" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS DATED SEPTEMBER 6, 1995.

LEGEND
• MONUMENT AS DESCRIBED
∘ 1/2" IRON ROD SET

2.5 10 100
0 5 20
SCALE: 1" = 50'

SURVEYOR'S CERTIFICATION

I, MICHAEL T. SANDERS, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED BY THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

MICHAEL T. SANDERS NEW MEXICO 18619 LICENSED PROFESSIONAL SURVEYOR

12-20-10

MICHAEL T. SANDERS, PLS 18619 DATE

THE LANDCRAFT GROUP
2025 CHISHOLM TR. 575-649-4612
LAS CRUCES, NM 88005 THELANDCRAFTGROUP@COMCAST.NET

Comprehensive Plan Elements and Policies

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.

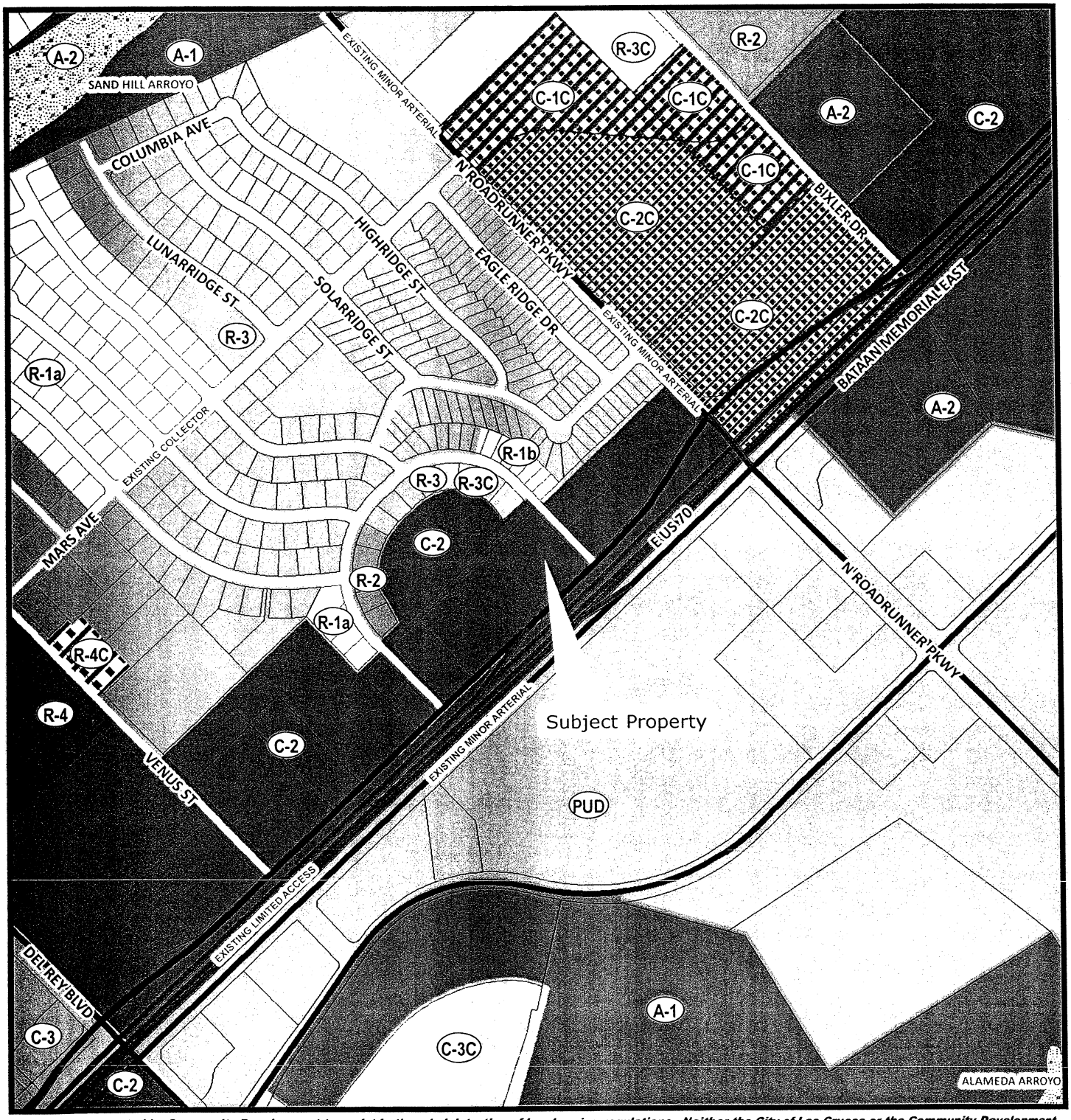
h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

ATTACHMENT 4
ZONING: C-2
OWNER: Christian Ricky Sr. et al

302

Zone Map

PARCEL: 02-08159
DATE: 1/19/2011



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.

15075 0 150 300 450 600 750 900 1,050 1,200 Feet

Legend

- Interstates_Highway
- Arroyo
- EXISTING LIMITED ACCESS
- EXISTING PRINCIPAL ARTERIAL
- EXISTING MINOR ARTERIAL
- City Parcel

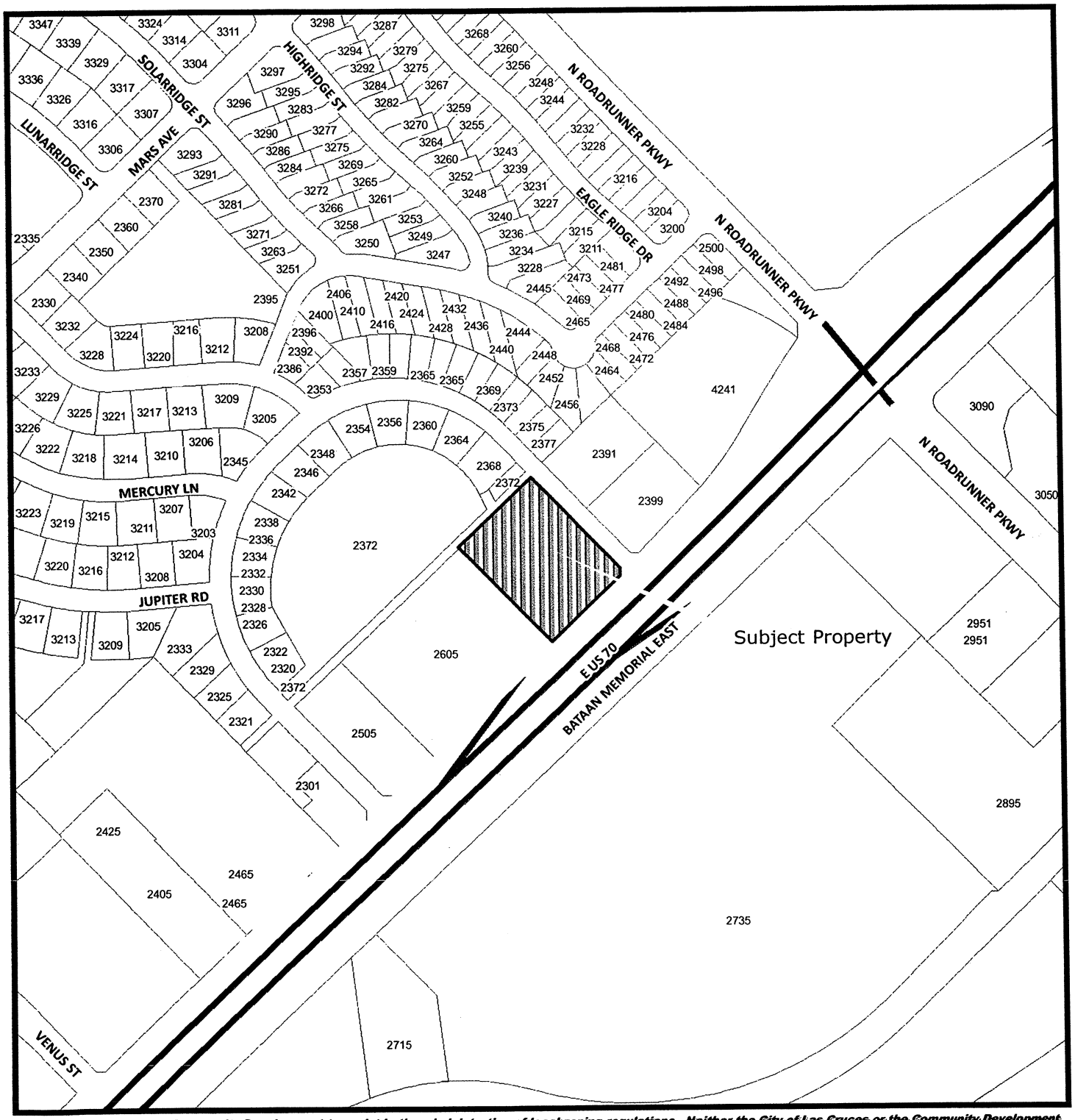
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

ATTACHMENT 5

ZONING: C-2
OWNER: Ricky Christian Sr. et al

Vicinity Map

PARCEL: 02-08159
DATE: 1/19/2011



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150 75 0 150 300 450 Feet

Legend

City Parcels — Interstates_Highway

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