City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9 **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 CR for AO		Department: Community Development		Phone: 528-3204	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director		528-3066	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		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:

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

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this affirms the Planning and Zoning Commission recommendation for approval. The subject property located 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: _____

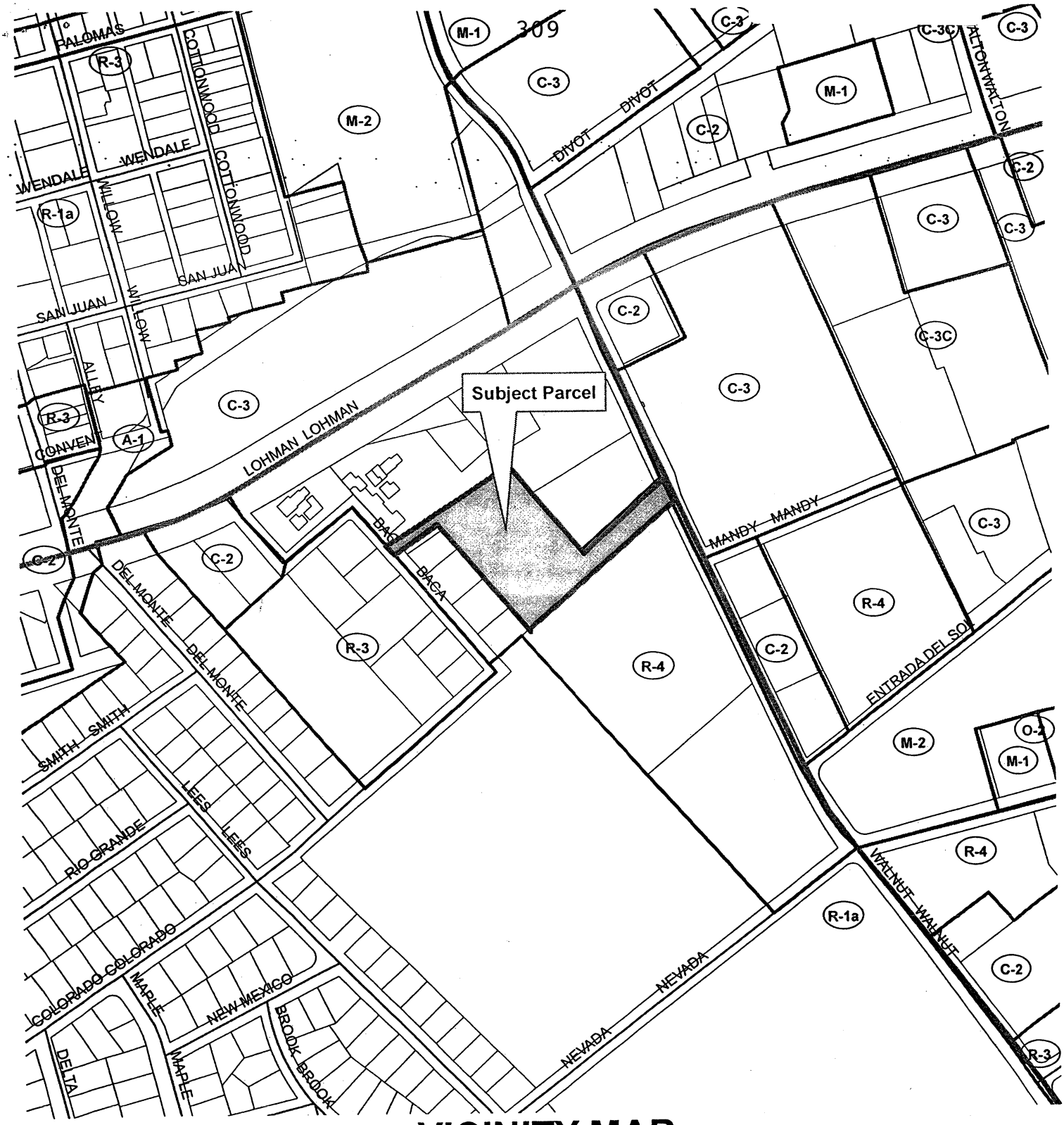
APPROVED AS TO FORM:

_____
City Attorney

VOTE:

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

EXHIBIT A



VICINITY MAP

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

0 100200 400 600 800 Feet

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:

   <u>Land Use Element Goal 1 (Land Uses) Policies 1.6.2</u>

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

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

Additional Comments: Any new 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 ☒	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: 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 Capacity

Wastewater service type: CLC ☒ On-lot septic ☐

CLC wastewater service capable of handling increased usage? Yes ☒ No ☐ N/A ☐

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

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

If yes, can potential problems be handled through development or building permit process?
Yes ☐ No ☐

If development is being served by on-lot septic, please specify review comments by the New Mexico Environmental Department: N/A

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

Attachment #1

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. Fristoe

Contact Person: Norman L. Fristoe

Contact Phone Number: 575-527-2067

Contact e-mail Address: NFristoe@fristoeandcompany.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 ½" 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 (total unknown)

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

Law Firm
Dentistry
Medical (General Practice)
Accounting
Foot Doctor

All uses currently exist & 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).

Updated 6/22/10

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:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Attachments

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

Location map

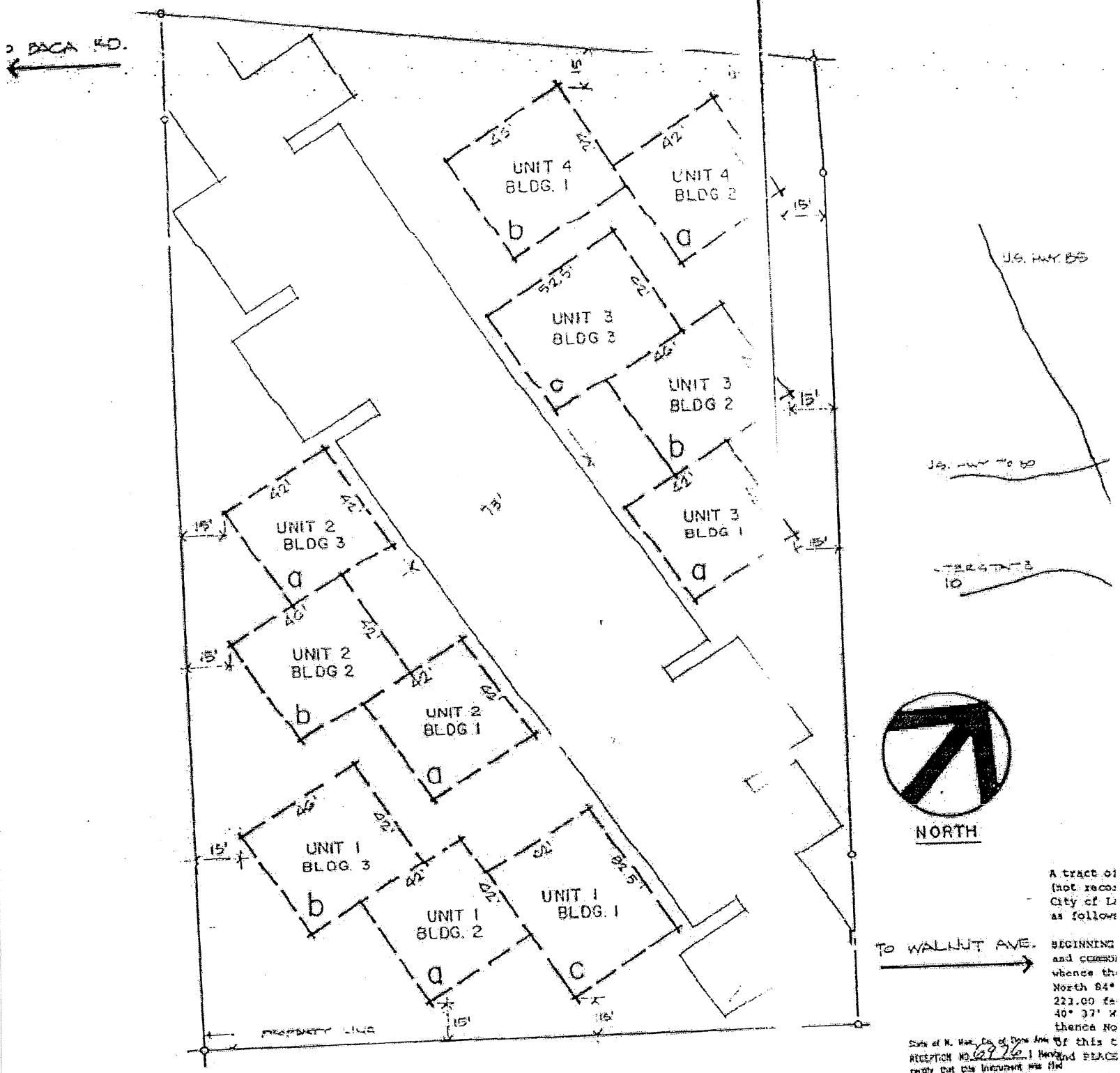
Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

Attachment #2



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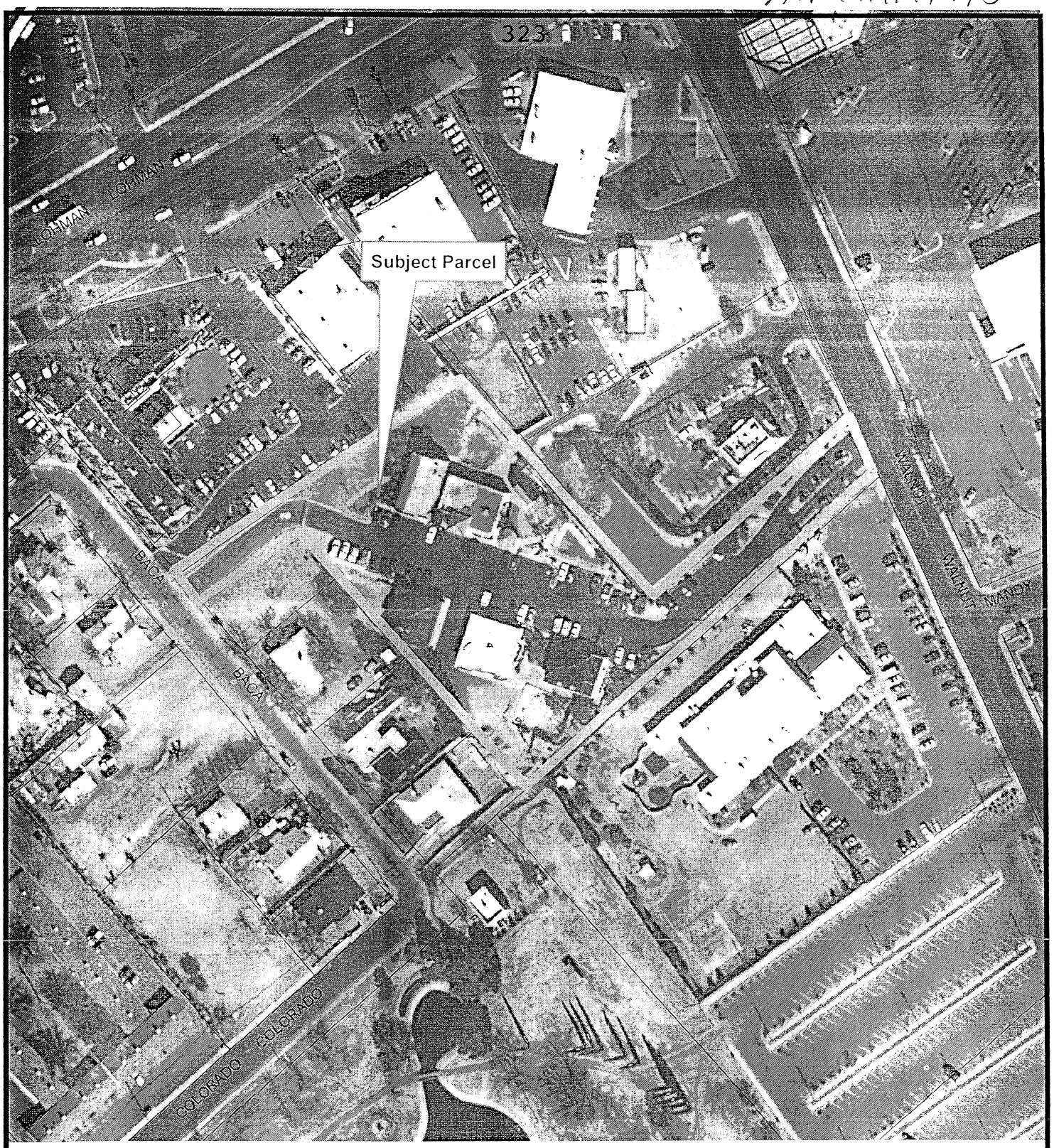
State of N. Mex. Co. of Dona Ana
RECEPTION NO. 6976 I Hereby
certify that this instrument was filed
for record and duly recorded on:

APR 3 1987

EXHIBIT 'A' to Declaration of Cove ants,
Conditions and Restric ons

632

Attachment #3



AERIAL MAP

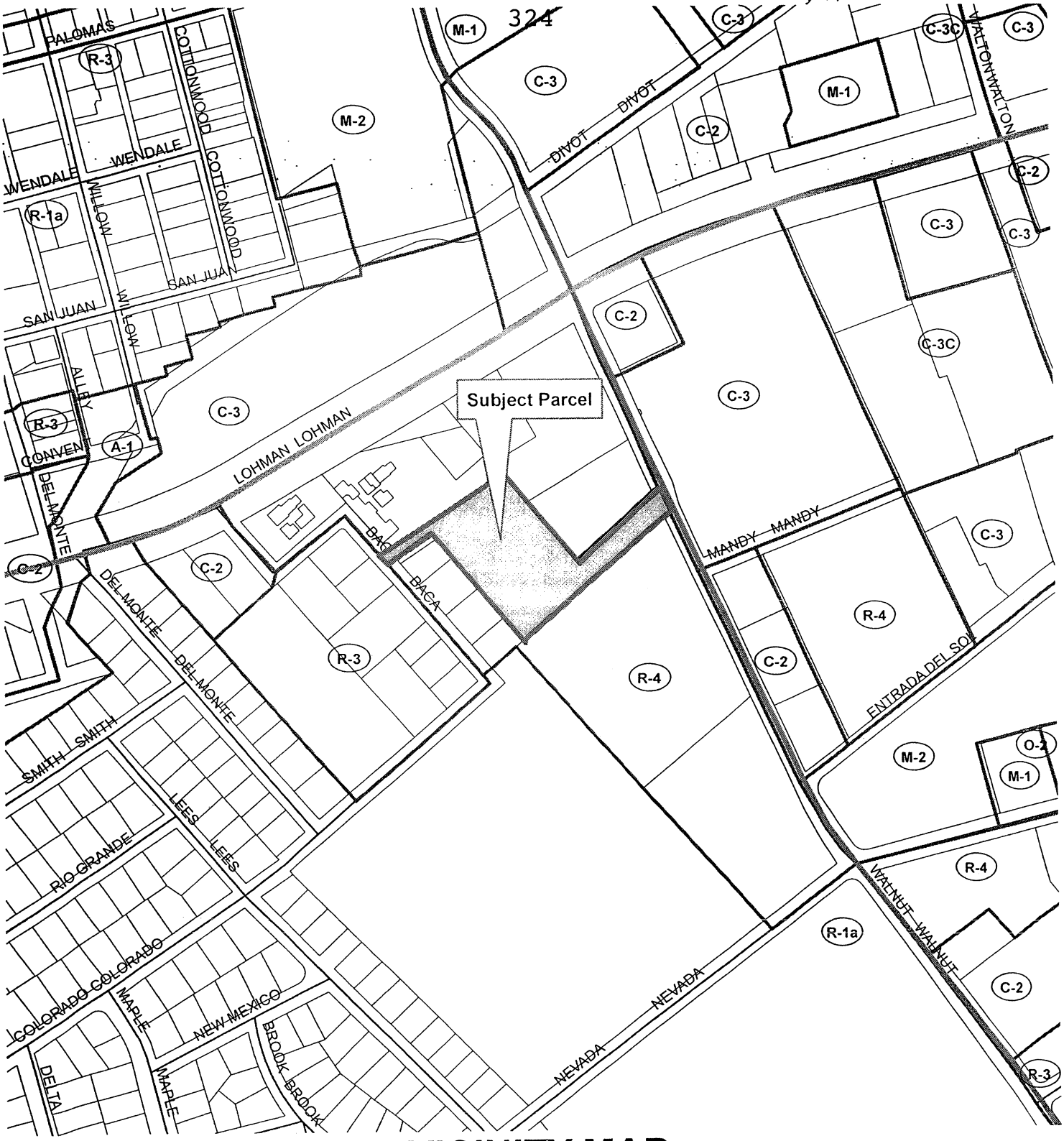
CASE NO. Z2829
PARCEL: 02-22886
OWNER: MESILLA CAPITAL INVESTMENT, LLC
ADDRESS: 780 S WALNUT STREET
ZONING: R-4 TO O-2

0 45 90 180 270 360 Feet

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

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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Attachment #5

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.

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.

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

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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

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

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

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

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

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

Revels: Yes, sir.

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

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

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

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

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

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

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

Scholz: Okay, how about Z2829? No?

Evans: Mr. Chairman?

Shipley: Yes, Commissioner Evans.

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

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

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

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

Evans: Okay, I'm sorry.

Scholz: 2827?

Evans: Yes.

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

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

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

Shipley: I want to pull it also.

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

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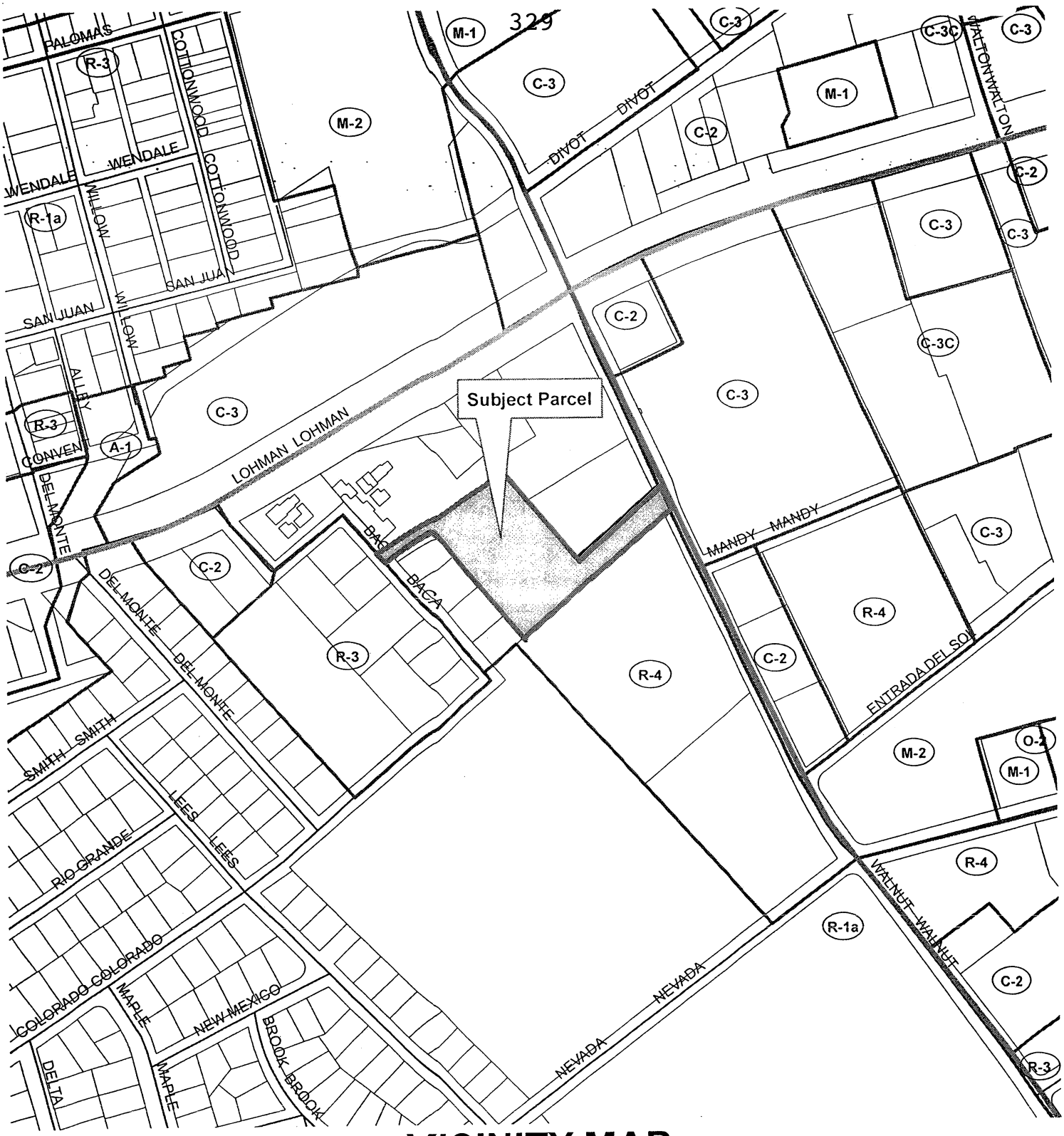

VICINITY MAP

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

0 100200 400 600 800 Feet

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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