

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 2612 Council District: 4

For Meeting of April 18, 2011

(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM HC (HOLDING-CONDITIONAL) TO M-3C (HEAVY INDUSTRIAL-CONDITIONAL) AND TO DEVIATE 100% FROM THE PARKING REQUIREMENT FOR AN 11-FOOT ON-SITE DRIVING AISLE. SUBMITTED BY THE CITY OF LAS CRUCES, PROPERTY OWNER. (Z2823)

PURPOSE(S) OF ACTION: Zone change and associated variance request to facilitate the development of a private utility installation for solar energy.

Drafter and Staff Contact: Jennifer Robertson <i>JR</i>		Department: Community Development		Phone: 528-3226	
Department	Signature	Phone	Department	Signature	Phone
Department Director	<i>JR</i>	528-3067	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 applicant, the City of Las Cruces, is requesting a zone change from HC (Holding-Conditional) to M-3C (Heavy Industrial-Conditional) to facilitate the development of a private utility installation for solar energy located south of the West Mesa Industrial Park and within the Airport Overlay District. A portion of the subject property has been developed by the City of Las Cruces for a gas regulator station and spray irrigation and composting area. In addition to the zone change, the applicant is requesting a variance to numerically deviate 100% from the parking standards for utility-related land uses as established in Article IV, Section 38-33J of the 2001 Zoning Code. Regarding the parking requirements for the proposed use, the Code states that utility-related land uses must construct a minimum of an 11-foot paved driving aisle, instead of auto and bicycle parking stalls.

The proposed zone change is supported by several Land Use and Economic Development Elements found in the 1999 Comprehensive Plan (see Exhibit "B"). The 1999 Comprehensive Plan encourages heavy industrial uses to allow for minimal traffic and encroachment-related conflicts to adjacent uses. Heavy industrial development is encouraged along transportation corridors.

In regard to the variance request the developer of the solar energy project, SunEdison, will comply with the City's Dust Control Ordinance and will mitigate any fugitive dust created during and after the construction of the project. The traffic generated by the utility installation is minimal after the project has completed construction. The variance request meets at least one of the criteria in considering support for a variance, which include physical and topographical hardship and the potential for spurring economic development for the subject property.

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this affirms the Planning and Zoning Commission recommendation for conditional approval. The subject property will be rezoned from HC (Holding-Conditional) to M-3C (Heavy Industrial-Conditional). The zone change and associated variance request facilitates the development of a private utility installation for solar energy.
2. Vote "No"; this reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of H-C (Holding-Conditional) will remain on the subject property. The private utility installation will not be permitted to be developed as it is not an allowed land use in the H (Holding) zoning district.
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. Resolution No. 07-375
2. Ordinance No. 2377
3. Ordinance No. 2378

COUNCIL BILL NO. 11-032
ORDINANCE NO. 2612

AN ORDINANCE APPROVING A ZONE CHANGE FROM HC (HOLDING-CONDITIONAL) TO M-3C (HEAVY INDUSTRIAL-CONDITIONAL) AND TO DEVIATE 100% FROM THE PARKING REQUIREMENT FOR AN 11-FOOT ON-SITE DRIVING AISLE. SUBMITTED BY THE CITY OF LAS CRUCES, PROPERTY OWNER. (Z2823)

The City Council is informed that:

WHEREAS, the City of Las Cruces, the property owner, has submitted a request for a zone change from HC (Holding-Conditional) to M-3C (Heavy Industrial-Conditional) for 320 ± acres of land located on the south side of Crawford Boulevard at the southern terminus; and

WHEREAS, the City of Las Cruces, the property owner, has submitted a variance request with the zone change request; and

WHEREAS, the variance request is for a 100% numerical reduction in the parking standard requirement for the construction of a minimum 11-foot driving aisle that meets the City's paving standards for the use of a private utility installation for solar energy; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on February 22, 2011, recommended that said zone change and variance requests be conditionally approved by a vote of 6-0-0 (one Commissioner absent).

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

(I)

THAT the land more particularly described in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned M-3C (Heavy Industrial-Conditional).

(II)

THAT the conditions be stipulated as follows:

- A 100% numeric deviation for a private utility installation from the requirements of public/private utility installations parking standards requiring a minimum of an 11-foot driving aisle meeting the City's paving standards.

- Any development on the subject property shall adhere to all applicable restrictions of the Las Cruces Municipal Code Section 38-46.1, Las Cruces International Airport Operations Overlay Zone District.

(III)

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

(IV)

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

(V)

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

DONE AND APPROVED this _____ day of _____ 2011.

APPROVED:

(SEAL)

 Mayor

ATTEST:

 City Clerk

Moved by: _____

Seconded by: _____

Approved as to Form:



 City Attorney

VOTE:

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

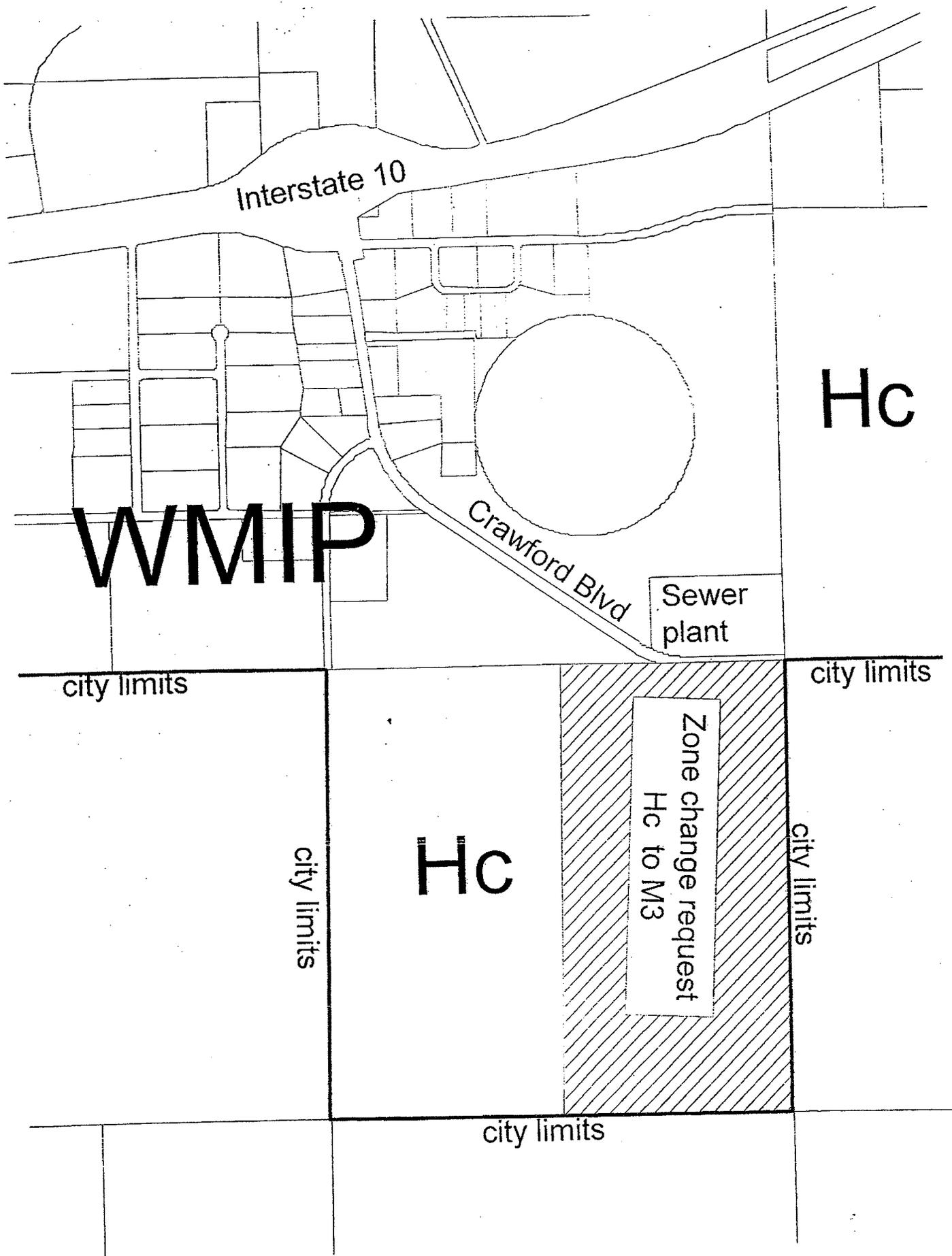


EXHIBIT "B"

Findings and Comprehensive Plan Analysis

1. The subject property is south side of Crawford Blvd, is zoned H-C (Holding - Conditional) and encompasses 320 +/- acres.
2. The subject property is located within the Airport Overlay District (AOD).
3. The subject property is the current location of public utility stations for the City of Las Cruces.
4. The proposed Zone Change and Master Plan Amendment would allow the use of the existing public utility installation and proposed private utility installation.
5. The Zone Change and Master Plan Amendment are consistent with the Goals, Objectives, and Policies of the City of Las Cruces Comprehensive Plan:

Land Use Element (Goal 1)

Policies:

1.7.3. Heavy industrial uses shall be defined as those industrial uses which generate high intensity industrial and manufacturing activities having physical and operational characteristics which are offensive and/or hazardous to the surrounding community. Heavy industrial uses and parks shall be established according to the following criteria:

- a. Heavy industrial uses shall have direct access to, or shall be located on, arterial streets.
- b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for heavy industrial uses and centers.
- c. Heavy industrial development shall address the following urban design criteria: lot size and configuration allowing significant front, side, and rear setbacks, and provision of landscaping for site screening, parking and loading areas. Design standards for lot size/configuration and landscaping for heavy industrial uses shall be established in the Comprehensive Plan Urban Design Element.
- d. The City shall encourage the development of heavy industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.

1.7.5. Sufficient on site parking shall be required for all industrial uses.

1.7.6. All outdoor storage shall be screened from view in all horizontal directions. Organic landscaping shall be among materials used for screening purposes.

1.7.7. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.

1.7.8. The Comprehensive Plan Environmental Element will establish environmental impact standards for light, standard, and heavy industrial uses.

Land Use Element Goal 2 (Growth Management)

Policy:

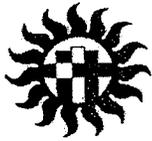
2.3.3. Master Planning shall be considered a planning process where proposals are viewed as a conceptual tool reflecting the ideas and thoughts of future development. The process in which to receive Master Plan approval consists of a streamlined approach with the intent to provide the applicant with immediate feedback without substantial costs in development preparation. Master Plan approval shall adhere to the following process:

- a. Submittal of a written report/statement. This report shall address at minimum, the purpose and intent of the development, method for providing utilities, phasing data, density information, land use information, description of how proposed land uses will be integrated within the immediate and adjacent study areas, transportation impact information, environmental/geological impacts, and proposed zoning. A proposal may be submitted at any time.

Economic Development Element (Goal 1-Business, Industry and Agriculture)

Policy

1.5.3 Encourage the placement of industrially zoned and uses within the East Mesa of the City, including the development of an industrial/office park.



City of Las Cruces
PEOPLE HELPING PEOPLE

Planning & Zoning
Commission
Staff Report

Date: February 9, 2011

CASE # S-11-002 and Z2823

PROJECT NAME: Kennon Annexation Master Plan Amendment No. 1 and Zone Change

APPLICANT: City of Las Cruces

PROPERTY OWNER: City of Las Cruces

REQUEST: **Case S-11-002:** To approve a master plan amendment known as Kennon Annexation Master Plan Major Amendment No. 1 and a waiver request to road improvements for Crawford Boulevard
Case Z2823: To rezone from H-C (Holding - Conditional) to M-3C (Heavy Industrial) to allow for Heavy Industrial uses with conditions and to vary from the parking requirement for an 11-foot on-site driving aisle.

PROPOSED USE: Public/Private Utility Installation

SIZE: 320 +/- acres

CURRENT ZONING: H-C (Holding - Conditional)

LOCATION: The south side of Crawford Boulevard at the terminus of Venture Boulevard; a.k.a. 0 Crawford Boulevard; Parcel ID# 02-39560

COUNCIL DISTRICT: 4

PLANNING COMMISSION DATE: February 22, 2011

PREPARED BY: Jennifer Robertson

STAFF RECOMMENDATION: Approval for the Master Plan Amendment and Waiver Request
Approval with conditions for Zone Change and Variance Request

PROPERTY INFORMATION

Address/Location: The south side of Crawford Boulevard at the terminus of Venture Boulevard;
a.k.a. 0 Crawford Boulevard; Parcel ID# 02-39560

Acreage: 320 +/- acres

Current Zoning: H-C (Holding - Conditional)

Current Land Use: City of Las Cruces Utility Installation

Proposed Zoning: M-3C (Heavy Industrial - Conditional)

Proposed Land Use: Public and Private Utility Installation

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

If yes which overlay district? The property is located within the Airport Overlay District (AOD).

Table 1: Site Analysis

Development Standards for Existing Zoning of Holding with conditions	
Minimum Lot Size	1 acre
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	100 feet/100 feet
Maximum Building Height	35 feet
Development Standards for Proposed Zoning of M-3 with conditions	
Minimum Lot Size	25,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70 feet/60 feet
Maximum Building Height	60 feet
Development Standards for Proposed Zoning of Airport Overlay District (AOD) - Conical Zone	
Maximum Building Height	A slope extending upward and outward one (1) foot of vertical elevation for every seven (7) feet of horizontal distance from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces; extending to 150 feet above the airport elevation.
Restrictions	<ol style="list-style-type: none"> 1. No use may be made of land, water, or electrical power within any zone (includes approach, horizontal, conical, and transitional zones) in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. 2. No structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone to a height in excess of applicable height limits established by that zone (includes approach, horizontal, conical, and transitional zones). 3. Effective on the date of this Overlay approval, all land subdivisions within the Area of Disclosure shall require disclosure of the land's proximity to the Airport by any person or entity subdividing land within this area. Disclosure of this information shall be required on the Final Subdivision Plat to be recorded with the Office of the Doña Ana County Clerk 4. Development within the Area of Disclosure shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended.

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		Public Utility Installation	H-C	Holding - conditional
Surrounding Properties	North	City of Las Cruces Sewage Treatment Facility	WMIP	West Mesa Industrial Park
	South	BLM-Vacant	ETZ	Unzoned
	East	BLM-Vacant	ETZ	Unzoned
	West	Vacant	H-C	Holding - conditional

HISTORY

Previous applications? Yes No

If yes, please explain: This property was part of the Kennon Annexation

Previous ordinance numbers? 2377 and 2378

Previous uses if applicable: City of Las Cruces Utility Installation. The property was zoned Holding with airport-related conditions as approved during annexation. The property is currently being used by the City of Las Cruces for a gas regulator station and composting and spray irrigation area.

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Policy 1.7.3 a-d
2. Goal 1, Policy 1.7.5
3. Goal 1, Policy 1.7.6
4. Goal 1, Policy 1.7.7
5. Goal 1, Policy 1.7.8 a
6. Goal 2, Policy 2.3.3

Economic Development Element

1. Goal 1, Policy 1.5.3

Analysis: Recommendation of approval. This Master Plan Amendment and Zone Change Request specify uses and zoning conditions that were not stated in the original Master Plan. Zoning is intended to be M-3 (from Holding). Several heavy industrial uses are intended for the property, including a solar energy facility and existing composting and spray irrigation facility. Future subdivisions of the property are intended to accommodate additional heavy industrial uses. The conditions on the zoning request and master plan amendment are in the form of a variance and waiver request to the driving aisle [to the utility installation] and paving [Crawford Boulevard] requirements. Since road build-out is not expected for some time, the applicants propose to postpone these requirements until such time as they are needed and can be paid for through development fees. Current traffic volumes do not necessitate a paved road, so these conditions are acceptable.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

Accessibility Issues

Building Accessibility

Secondary Site/Lot Accessibility

Fireflow/Hydrant Accessibility

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

Type of building occupancy: No building approved as no buildings are being constructed/proposed at this time.

Nearest Fire Station

Distance: 2 miles

Address: 8850 Zia Boulevard

Additional Comments: Recommendation of approval

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

Development Improvements:

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

Additional Comments: Recommendation of approval. Some internal improvements may be required for future development for sidewalk, curb, gutter and paving extensions. Excess run-off shall be retained on site.

MPO

Road classifications: Crawford Boulevard is a future proposed corridor.

Additional Comments: Recommendation of approval. A total of 85 feet of right-of-way will be required to be dedicated to the City for the proposed corridor with an additional 35 foot easement for future roadway expansion. Proposed use would not appear to generate traffic requiring an upgrade of the thoroughfare system. However, any further development of the property would require further analysis.

Public Transit

Where is the nearest bus stop (miles)? 6.35 miles on Amador in between Westgate Ct. and Motel Boulevard

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

Are road improvements necessary? Yes No N/A

If yes, please explain: Crawford Boulevard has segments that are unimproved.

Was a TIA required? Yes No N/A

If yes, summarize the findings: N/A

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 type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Adequate curb cut	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Intersection sight problems	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" 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: No on-street parking impacts associated with the request.

Future Intersection Improvements

Yes If yes what intersection?
No If no, when (timeframe)? None given.

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.

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

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

Airport:

Additional Comments: The subject property lies within the Airport Overlay District (AOD).

Public Schools

Nearest Schools:

- | | | |
|--|---------------------|------------------|
| 1. Elementary: Fairacres Elementary | Distance (miles): 5 | Enrollment: 428 |
| 2. Middle School: Zia Middle School | Distance (miles): 7 | Enrollment: 881 |
| 3. High School: Las Cruces High School | Distance (miles): 8 | Enrollment: 2296 |

Adequate capacity to accommodate proposal? Yes No N/A

Explain: No residential development is being proposed, therefore there should be no adverse 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? N/A How many are accessible? N/A

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

If yes, how many parking spaces will be required? The parking requirement for the proposed use requires a driving aisle (in lieu of parking spaces) for a public/private utility installation.

How many accessible? None

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

If yes, describe: None required.

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

Comments: The applicant is requesting a variance to the driving aisle requirements, specifically Section 38-33J of the 2001 Zoning Code, as amended, which states that no parking stalls are required, however, a driving aisle shall be provided at a minimum width of eleven (11) feet and shall meet the City's paving standards for construction. A turn-around or loading area shall be provided having a minimum radius of 50 feet. A "T" or "Y" cul-de-sac meeting the City's Design Standards is acceptable. Traffic from Crawford Boulevard to the site will be minimal and primarily for facility service workers.

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? The 2001 Zoning Code, as amended, requires landscaping for a public/private utility installation in the form of a solid wall or fence that surrounds the installation and landscaping shall be provided to screen and/or buffer the installation as necessary to allow the use to blend with the surrounding properties and minimize noise and visual pollution.

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? The 2001 Zoning Code, as amended, requires landscaping for a public/private utility installation in the form of a solid wall or fence that surrounds the installation and landscaping shall be provided to screen and/or buffer the installation as necessary to allow the use to blend with the surrounding properties and minimize noise and visual pollution.

Open Space, Parks, Recreation and Trails

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

If yes, how is connectivity being addressed? Explain: 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: ~~No parks or trails are being proposed due to the intensity and type of use being proposed.~~

Table 3: Special Characteristics

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	No EBID facilities near the subject property
Medians/ Parkways Landscaping	No	No Medians/Parkways adjacent to the subject property

WAIVER ANALYSIS TO ROAD IMPROVEMENTS TO CRAWFORD BOULEVARD

Table 4. Waiver Hardship Determination

Factor	Analysis	Supports Request?	
		Yes	No
1. Can it be shown that strict compliance with the requirements of the City Subdivision Code would result in a substantial hardship to the subdivider because of exceptional topographic, soil or other surface or sub-surface conditions, or that such conditions would result in inhibiting the objectives of this code?	Since M3 land uses are reactive to specific needs either within or outside the Las Cruces area and no persons reside on site, no additional population is expected to be generated for this area. The population working in the M3 zoning district will be counted as additional population in the areas in which they have homes. The additional traffic generated by the proposed use, the solar energy project, is approximately 1 trip per day upon completion of the project.	Yes	
2. Reasons for supporting the Waiver Request.	The purposes defined in the subdivision code that are applicable to this development proposal for the continuance of existing public utilities and a private solar energy project include: ensuring orderly, efficient and integrated development within the city pursuant to guidelines established by the elements of the city comprehensive plan; promoting proper street location, width and design in order to facilitate vehicle circulation and to minimize adverse growth impacts in accordance with the metropolitan planning organization (MPO) transportation plan; providing for adequate utility services, traffic movement and drainage; and ensuring that proposed development is suitable for a given parcel of land, based on its [isolated] location and environmental characteristics.	Yes	

VARIANCE ANALYSIS FOR M-3 DEVELOPMENT STANDARDS

Table 5. Variance Hardship Determination

Factor	Analysis	Supports Request?	
		Yes	No
1. A physical hardship relative to the property (i.e. topographic constraints or right-of-way takes resulting reduced development flexibility, etc.) in question	An arroyo traverses the property and there are many significant grade changes. This would not only increase the cost of construction of the property's access, it would also be very costly to maintain over time due to road failure and wash out. In addition, a high pressure gas line bisects the subject property.	Yes	
2. The potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted.	The solar energy project proposed on this site will bring renewable energy resources in the form of an industrial solar energy project to the area.	Yes	
3. Monetary considerations not as a whole but relative to options available to meet the applicant's stated objectives when such options cause considerable monetary hardship under strict application of code provisions.	Based on the applicant's development proposal, the driving aisle improvements would not connect to any existing roads, if the waiver request for no road improvements to Crawford Boulevard was approved.	Yes	

Table 5: Project Chronology

Date	Action
January 19, 2011	Application submitted to Development Services
January 21, 2011	Case sent out for review to all reviewing departments
January 28, 2011	All comments returned by all reviewing departments
February 8, 2011	Staff reviews and recommends approval of the zone change and variance
February 9, 2011	DRC reviews and recommends approval of master plan amendment and waiver request
February 6, 2011	Newspaper advertisement
February 10, 2011	Public notice letter mailed to neighboring property owners
February 11, 2011	Sign posted on property
February 22, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The proposed zone change and variance request are supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. The proposed zone change meets the character of the existing surrounding area and is supported by the 1999 Comprehensive Plan. The existing use on the property, a public utility installation, is similar to the proposed use, a private utility installation and should not negatively affect the surrounding area. The variance request for no paving requirements for the required 11-foot wide on-site driving aisle is also supported by staff. The applicant's variance request proposes to deviate 100% from the required driving aisle requirements for public/private utility installation as required by the 2001 Zoning Code, as amended, and in lieu mitigate fugitive dust during construction of the proposed private utility installation. The 2001 Zoning Code, as amended has very specific language on road improvements, specifically Section 38-33J, which states that for public/private utility installations no parking stalls are required, however, a driving aisle shall be provided at a minimum width of eleven (11) feet and shall meet the City's paving standards for construction. In addition, a turn-around or loading area shall be provided having a minimum radius of 50 feet. A "T" or "Y" cul-de-sac meeting the City's Design Standards is acceptable. It is staff's opinion that the existing access is adequate to accommodate additional traffic generated for the proposed use.

~~The proposed Master Plan Amendment and Waiver Request are supported by the DRC. The original master plan, as part of the Kennon Annexation, required the properties zoned H (Holding) to master plan the properties when a land use is established in the future. This is the intent of the applicant's proposal as the applicant is attempting to establish an industrial zoning designation, M-3, known by our current zoning code as a private utility installation for specifically for a solar energy project. The applicant's waiver request proposes to defer road improvements until the intensity of the land uses on the subject property require additional improvements as determined by increased, anticipated traffic generation. The Master Plan Amendment contains language regarding trip generation and the deferment of road improvements until a more intense land use is proposed on the subject property, which was the acceptable condition of approval for the waiver request from DRC. Please refer to the "DRC Recommendation" section of this staff report for the detailed condition for the waiver request recommendation from DRC. The applicant is providing dust control plans to mitigate fugitive dust upon construction and development of the proposed private utility installation.~~

FINDINGS

1. The subject property is south side of Crawford Blvd, is zoned H-C (Holding - Conditional) and encompasses 320 +/- acres.
2. The subject property is located within the Airport Overlay District (AOD).
3. The subject property is the current location of public utility stations for the City of Las Cruces.
4. The proposed Zone Change and Master Plan Amendment would allow the use of the existing public utility installation and proposed private utility installation.
5. The Zone Change and Master Plan Amendment are consistent with the goals, Objectives, and Policies of the City of Las Cruces Comprehensive Plan.

STAFF RECOMMENDATION

Approval for the zone change and variance request with the following conditions:

1. To allow the use to numerically deviate 100% from the requirements of public/private utility installations parking standards requiring a minimum of an 11-foot driving aisle meeting the City's paving standards.
2. Any development on the subject property shall adhere to all applicable restrictions of the Las Cruces Municipal Code Section 38-46.1, Las Cruces International Airport Operations Overlay Zone District.

DRC RECOMMENDATION

Approval of the Master Plan amendment and Waiver Request with the following condition:

1. Current Traffic generated by this property consists of approximately 4 trips per day to verify proper operation proper operation of an existing gas regulator station and City of Las Cruces Composting and Spray Irrigation Facility.

An estimated 25 vehicles per day utilize the existing right-of-way and easement for a gas pipeline that passes through the property. Since traffic generation is highly specific to the actual use — traffic estimation for traffic generated by development along with any road design and construction will be done at the building permit stage for the actual lot or tract developed. At that time all design, construction and traffic estimation will be done in accordance with City Design Standards and MPO Transportation Plan in effect at that time.

The immediate added use planned for this property is for an approximate 155-acre photovoltaic plant which will generate approximately 1 trip per day upon completion. No road design or road construction is planned in association with this facility.

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Master Plan Amendment
4. Comprehensive Plan Elements and Policies
5. DRC Agenda and Minutes, February 9, 2011
6. Vicinity Map
7. Zoning Map

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: City of Las Cruces
Contact Person: Christine Logan
Contact Phone Number: 575 541 2286
Contact e-mail Address: clogan@las-cruces.org
Web site address (if applicable): _____

Proposal Information

Location of Subject Property South of West Mesa Industrial Park
(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: H
Proposed Zoning: M3
Acreage of Subject Property: 320
Detailed description of intended use of property. (Use separate sheet if necessary):
Future development in support of light industry
in adjacent industrial park
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 24/7
Anticipated traffic generation _____ trips per day (if known).

Anticipated development schedule: Work will commence on or about existing utility and will take approximately 5-10 years to complete.

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

tbd

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

No

Attachments

Please attach the following: (* indicates optional item)

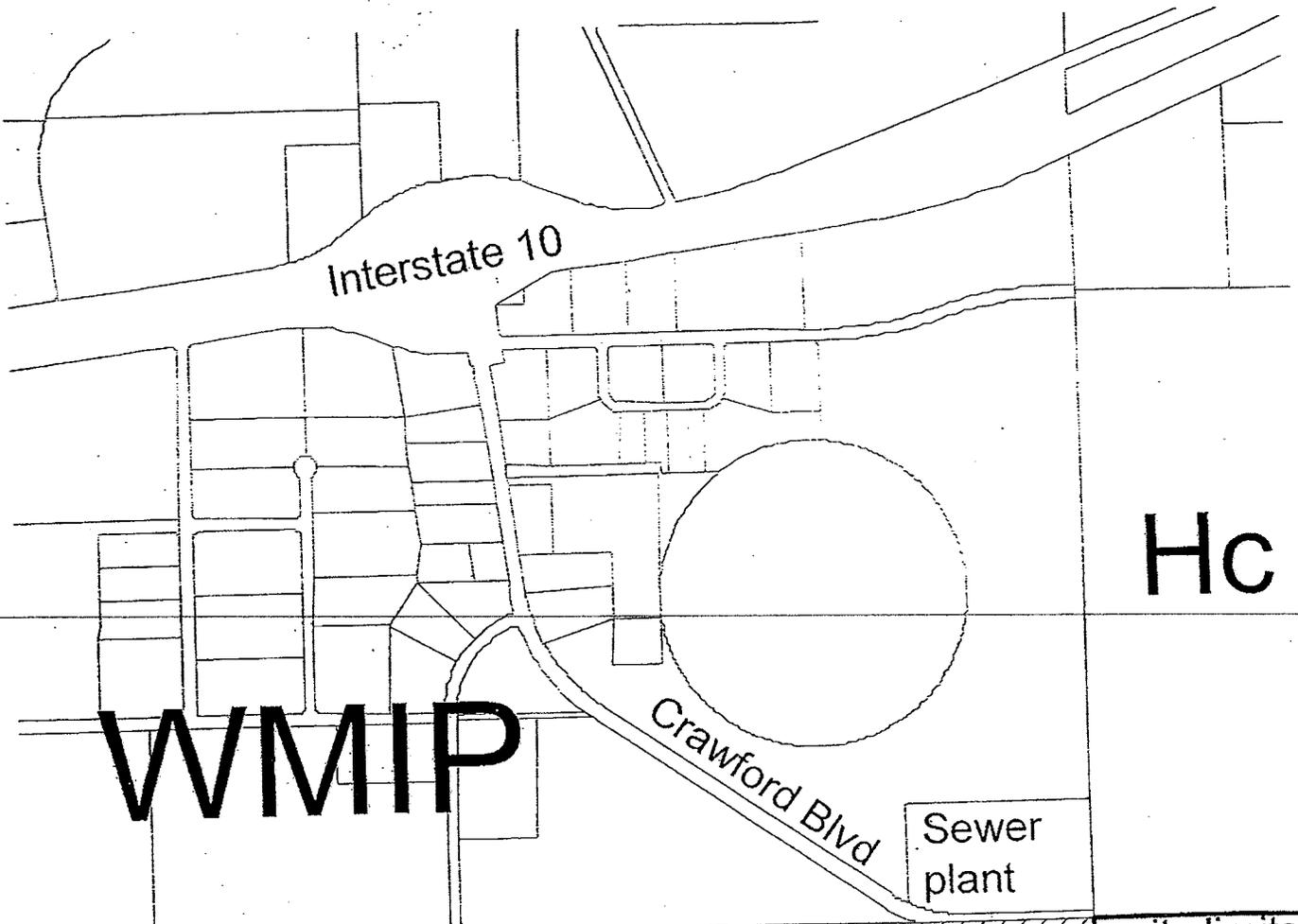
Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*



WMIP

Hc

Sewer
plant

city limits

city limits

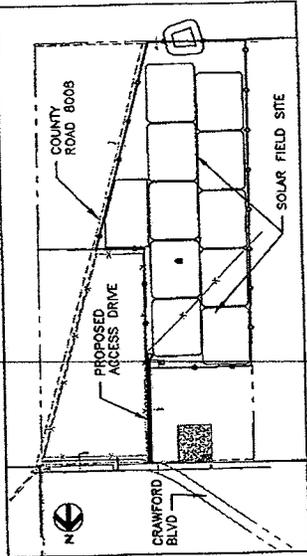
city limits

Hc

Zone change request
Hc to M3

city limits

city limits



PROPOSED LOT 1A
(TO BE COMBINED WITH LOT 1)

EXISTING FENCE
EXISTING PROPERTY LINE
EXISTING ROAD
EXISTING 25' RIGHT-OF-WAY AND EASEMENT FOR PIPELINE

EXISTING TRAIL
EXISTING GAS LINE
EXISTING POWER LINES

50' ACCESS EASEMENT
EXISTING FENCE
EXISTING TRAIL

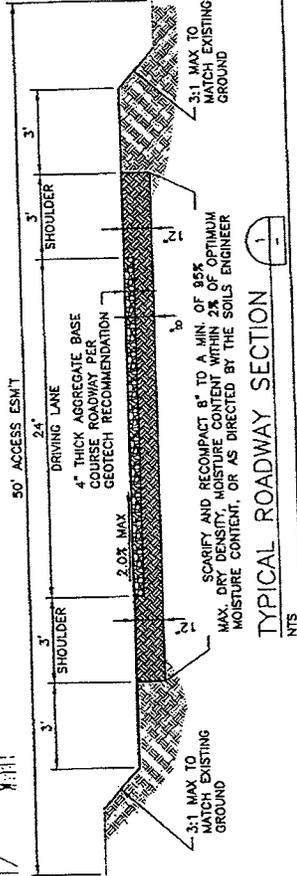
PROPOSED ACCESS ROAD
EXISTING 25' EASEMENT
EXISTING GAS LINE
EXISTING POWER LINES

PROPOSED LOT LINE
PROPOSED CULVERT
GATE ACCESS

PROPOSED 10' x 20' PARKING SPACE
80' TURNING DIAMETER FOR PICK-UP TRUCK, LONGBED

PROPOSED 100' x 100' UTILITY EASEMENT
PROPOSED SUNEDISON WY EQUIPMENT
PROPOSED LOT LINE
PROPOSED FENCE

PROPOSED LOT 1



Sun Edison
12500 BALTIMORE AVE.
BELTSVILLE, MD 20705
(443) 908-7200

EL PASO ELECTRIC
ACCESS DRIVE EXHIBIT
LAS CRUCES, NEW MEXICO

DATE	2/15/11
SHEET	1 OF 1



February 14, 2011

Cheryl Rodriguez
City of Las Cruces Development Services
City Hall Community Development Department
Suite 1100
700 N. Main Street
Las Cruces, NM 88001

Re: SunEdison El Paso Electric, Las Cruces, NM PV Facility Dust Control

Dear Ms. Rodriguez:

Attached below is a brief description of the proposed dust control requirements for the PV facility to be constructed for El Paso Electric by SunEdison LLC. SunEdison will submit the City's form during the formal plan review process but we wanted to provide a general description of our anticipated measures we will require be followed on site.

Off-Site Dust Control:

The Contractor will be required to minimize off-site vehicle tracking of sediments onto paved surfaces and the generation of dust. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.

On-site Dust Control:

The control of dust shall mean that no construction activity shall take place without applying all such reasonable measures as may be required to prevent particulate matter from becoming airborne so that it remains visible beyond the limits of construction.

The Contractor will be required to utilize methods and practices of construction to eliminate dust in full observance of City and State regulations. Reasonable measures include the periodic application of water, the application of city, state and federally approved chemical dust suppressants and temporary seeding.

Dust from the site may be controlled by using a mobile pressure-type distributor truck to apply water to disturbed areas. The mobile unit will apply water at a rate sufficient to minimize dust as necessary and to prevent runoff and ponding. Dust control will be implemented as needed once site grading has been initiated and during windy conditions while site grading is occurring. Dust control will continue on an as needed basis for onsite dust control for construction activities as needed throughout construction. Spraying of water will be performed whenever the dryness of the soil warrants it. The use of water for dust suppression will be the primary method for dust control on site.

The use of chemical suppressants will be subject to written approval by SunEdison and the City.

Temporary seeding or use of an approved soil stabilant will be applied to all exposed soil areas which are not being actively worked. Temporary measures will be required in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activities in that portion of the site have temporarily or permanently ceased.

Permanent seeding will be completed on areas where construction is finished unless the site will be allowed to re-vegetate in a natural manner.

The Contractor is responsible for maintaining a site that minimizes airborne particulate matter. SunEdison's representative will determine the effectiveness of the dust control program and may request the Contractor to provide additional measures as needed. The Contract will record and maintain dust control application records in accordance with City and State agency requirements.

If you have any additional questions or comments, please contact me at 402.440.2130 or Britton Marchese, HDR Permitting Coordinator at 303.764.1553.

Sincerely,

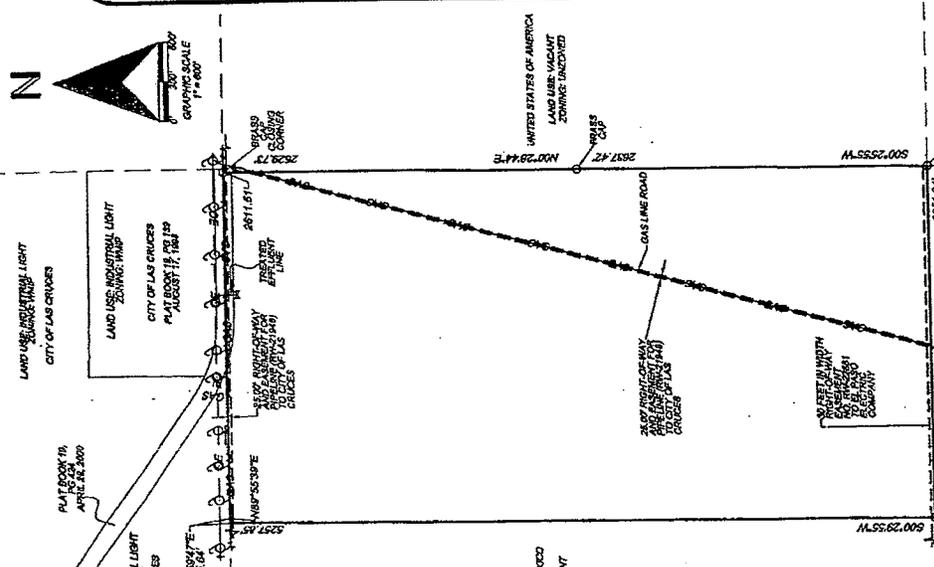
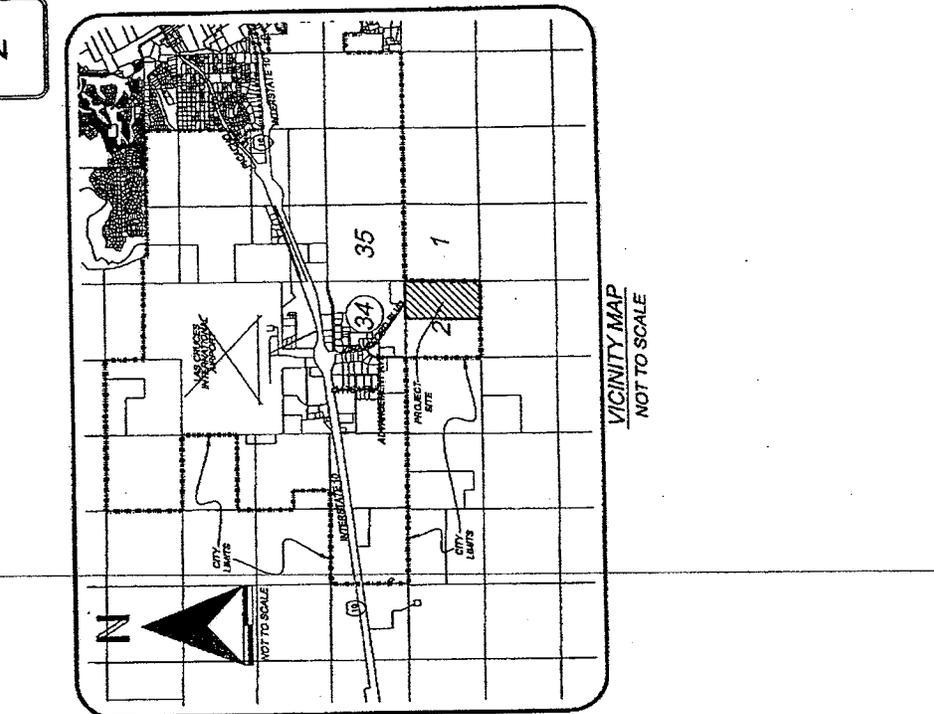


Gretchen Dolson
HDR Project Manager

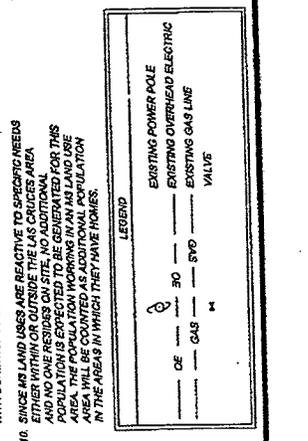
Cc: Jennifer Robertson, City of Las Cruces
Bernadette Jendrusch, SunEdison
Britton Marchese, HDR

KENNON ANNEXATION MASTER PLAN AMENDMENT NO. 1

2
 PRELIMINARY SET NUMBER



- GENERAL DESCRIPTION OF PROPERTY: APPROXIMATELY 330 ACRES OF LAND BEING THE EAST HALF OF SECTION 12, T12N, R10E, CLM CRUCES, DONALDANA COUNTY, NEW MEXICO. INSTRUMENT OF OWNERSHIP BOOK 242, PAGES 344-350, NOV. 3, 2000, DONALDANA COUNTY RECORDS.
- DATE OF PREPARATION: JANUARY, 2011.
- MASTER PLAN PREPARED BY: BLANCHARD ENGINEERS, INC. P.O. BOX 16355 LAS CRUCES, NM 88004
- PREPARED FOR: CITY OF LAS CRUCES P.O. BOX 20000 LAS CRUCES, NM 88004
- PROPOSED ZONING = M3
- CONCEPTUAL DRAINAGE PLAN - ALL EXCESS RUNOFF DUE TO DEVELOPMENT SHALL BE CONTAINED ON SITE IN PONDS DESIGNATED TO HOLD EXCESS VOLUME OF THE 100-YEAR STORM. LOCATION / CONFIGURATION OF PONDS INCLUDING MASTER PLAN SHALL BE DETERMINED AT TIME OF CONSTRUCTION ASSOCIATED WITH INDIVIDUAL PARCELS IN ACCORDANCE WITH CLC DESIGN STANDARDS.
- UTILITY LOCATIONS ARE PROVIDED UNDER ONE CALL ORDER CONFIRMATION NUMBERS 2010503117, 2010503118, 2010503120 AND MAY NOT BE COMPLETE.
- PROPERTY IS LOCATED IN R-100 ZONE X. FLOODPLAIN PER FEMA MAP NO. 580150050E EFFECTIVE DATE SEPTEMBER 27, 1981.
- CURRENT TRAFFIC GENERATED BY THIS PROPERTY IS APPROXIMATELY 4 TRIPS PER DAY TO VERIFY PROPER OPERATION OF AN EXISTING GAS REGULATOR STATION AND FOR OPERATION OF AN EXISTING CITY OF LAS CRUCES COMPOSTING AND SPRAY IRRIGATION FACILITY. AN ESTIMATED 25 VEHICLES PER DAY UTILIZE THE EXISTING RIGHT-OF-WAY AND BASELINE FOR A PIPELINE THAT PASSES THROUGH THE ZONING IS HIGHLY SENSITIVE TO THE ACTUAL USE - TRAFFIC ESTIMATION FOR TRAFFIC GENERATED BY DEVELOPMENT ALONG WITH ANY ROAD DESIGN AND CONSTRUCTION SHALL BE DONE AT THE BIDDING AND CONSTRUCTION PHASE. ALL DESIGN, CONSTRUCTION AND TRAFFIC ESTIMATION WILL BE DONE IN ACCORDANCE WITH CLC DESIGN STANDARDS AND IMPO TRANSPORTATION PLAN IN EFFECT AT THAT TIME. THE IMMEDIATE ADDED USE PLANNED FOR THIS PROPERTY IS FOR AN APPROXIMATE 155-ACRE PHOTOVOLTAIC PLANT WHICH WILL GENERATE APPROXIMATELY 10 MW OF POWER. CONSTRUCTION IS PLANNED IN ASSOCIATION WITH THIS FACILITY.
- DWELLING UNITS IN M3 ZONING ARE ONLY ALLOWED WITH CONDITIONS FOR CHEAPER TYPE PURPOSES.
- SINGLE-LAND USES ARE REACTIVE TO SPECIFIC NEEDS EITHER WITHIN OR OUTSIDE THE LAS CRUCES AREA AND NO ONE RESIDES ON SITE. NO ADJUSTMENT FOR THIS POPULATION IS EXPEDITED IN M3 ZONING. AN M3 LAND USE AREA WILL BE COUNTED AS AN ADDITIONAL POPULATION IN THE AREAS IN WHICH THEY HAVE HOMES.



SUBDIVISION ADMINISTRATOR APPROVAL

THIS MASTER PLAN HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR OF THE CITY OF LAS CRUCES, AND ALL THE REQUIREMENTS FOR A MASTER PLAN HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES, SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR APPROVAL OF THIS PLAN.

DATE _____

SUBDIVISION ADMINISTRATOR _____

BE BLANCHARD ENGINEERING

P.O. BOX 14387 LAS CRUCES, NM 88004
 TEL (505) 533-3322 FAX (505) 541-0508
 info@blanchardeng.com

DRAWING: 06L2000 DRAWN BY: EYE
 PROJECT: 101 CHECKED BY: JEB
 L1 NAME: JEB SHEET 1 / 2
 DRAWING DATE: 04-15-11

APPROVED BY:

DAVID F. BLANCHARD
 N.A.C.P.E. 7891

PRELIMINARY

DAVID F. BLANCHARD
 N.A.C.P.E. 7891

2/02/2011 8:49:43 AM

Comprehensive Plan Elements and Policies

Land Use Element (Goal 1)

Policies:

- 1.7.3 Heavy industrial uses shall be defined as those industrial uses which generate high-intensity industrial and manufacturing activities having physical and operational characteristics which are offensive and/or hazardous to the surrounding community. Heavy industrial uses and parks shall be established according to the following criteria:
- a. Heavy industrial uses shall have direct access to, or shall be located on, arterial streets.
 - b. The City shall pursue multi-modal access standards (auto, bicycle, pedestrian, transit where available) for heavy industrial uses and centers.
 - c. Heavy industrial development shall address the following urban design criteria: lot size and configuration allowing significant front, side, and rear setbacks, and provision of landscaping for site screening, parking and loading areas. Design standards for lot size/configuration and landscaping for heavy industrial uses shall be established in the Comprehensive Plan Urban Design Element.
 - d. The City shall encourage the development of heavy industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
- 1.7.5. Sufficient on-site parking shall be required for all industrial uses.
- 1.7.6. All outdoor storage shall be screened from view in all horizontal directions. Organic landscaping shall be among materials used for screening purposes.
- 1.7.7. The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.
- 1.7.8. The Comprehensive Plan Environmental Element will establish environmental impact standards for light, standard, and heavy industrial uses.

Land Use Element Goal 2 (Growth Management)

Policy:

- 2.3.3. Master Planning shall be considered a planning process where proposals are viewed as a conceptual tool reflecting the ideas and thoughts of future development. The process in which to receive Master Plan approval consists of a streamlined approach with the intent to provide the applicant with immediate feedback without substantial costs in development preparation. Master Plan approval shall adhere to the following process:
- a. Submittal of a written report/statement. This report shall address at minimum, the purpose and intent of the development, method for providing utilities, phasing data, density information, land use information, description of how proposed land uses will be integrated within the immediate and adjacent study areas, transportation impact information, environmental/geological impacts, and proposed zoning. A proposal may be submitted at any time.

Economic Development Element (Goal 1-Business, Industry and Agriculture)

Policy

- 1.5.3 Encourage the placement of industrially zoned and uses within the East Mesa of the City, including the development of an industrial/office park.



City of Las Cruces

DEVELOPMENT REVIEW COMMITTEE (DRC) AGENDA

The Development Review Committee (DRC) will consider the following agenda on **Wednesday, February 9, 2011 at 9:00 A.M.**, in Room 2150 located at the City Hall, 700 North Main Street, Las Cruces, New Mexico.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - December 8, 2010

III. OLD BUSINESS

1. ~~IDP-45 Infill Development Proposal – 1550 N. Mesquite Street~~

- A request for approval of a replat known as Bella Vista Subdivision, Replat No. 5 to create two residential lots on 0.153 ± acres.
- A request for approval of 4.1-foot variance to the 10-foot required front yard setback for Lot 1 and a 3.1-foot variance to the 10-foot required front yard setback for Lot 2.
- A request for approval of a variance to the minimum 3,500 sq. ft. lot size requirement for both lots; Lot 1, proposed 3,462.98 sq. ft., 37.02 sq. ft. variance needed; Lot 2, proposed 3,235.88 sq. ft., 261.12 sq. ft. variance needed.
- Subject property is zoned C-2 (General Commercial District), located in the North Mesquite Neighborhood Overlay Zone District, at the southeast corner of Palm Street and Mesquite Street.
- Submitted by Patrick Vigil, Vica One on behalf of Tierra Del Sol Housing Corporation, property owner.

IV. NEW BUSINESS

→ 1. Case Z2823 and S-11-002 – Rezone from HC to M-3C and Kennon Annexation Master Plan Major Amendment No. 1

- Request of a zone change from HC (Holding with conditions) to M-3C (Heavy Industrial with conditions).
 - Original conditions require the property to be master planned at the time of development.
 - New conditions include:
 1. To allow the proposed use to vary from the requirements from public/private utility installation auto parking requirement that states a driving aisle shall be required at a minimum width of 11 feet and shall meet the City's paving standards for construction (2001 Zoning Code, as amended) and instead utilize an unpaved, 25-foot right-of-way and utility easement.
 2. Any development on the subject property shall adhere to all applicable restrictions of the Las Cruces Municipal Code Section 38-46.1, Airport Operations District (AOD)

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 list above.

- In addition and in conjunction with the zone change request, a request for approval of a master plan amendment that proposes Heavy Industrial uses, specifically Public/Private Utility Installation(s).
- The subject property is located at the terminus and on the south side of Crawford Blvd on a 320± acre tract of land.
- Submitted by Blanchard Engineering for the City of Las Cruces, property owner.

IV. ADJOURNMENT

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 list above.

1
2 Reyes: That's the one... that's the one here? No, that one won't.
3
4 Vigil: Just the one on Mesquite.
5
6 Reyes: Just the one on Mesquite, anything onto the public street. That's all.
7
8 Rodriguez: Fire?
9
10 Dubbin: Mark Dubbin, Las Cruces Fire Department; we have no issues.
11
12 Rodriguez: MPO?
13
14 Murphy: Tom Murphy, MPO; no issues.
15
16 Rodriguez: Okay, Current Planning do we have any other issues?
17
18 Revels: No, I just have some notes on the plat and stuff and it was my goal to
19 have them resubmit the plat before P&Z.
20
21 Rodriguez: Okay, so on that I'd like to entertain a motion to table this until next
22 Wednesday. What date is that, the sixteenth; so the applicant can
23 work with Utilities staff to resolve the sewer easement and to see if
24 that has any influence on your infill development proposals for your
25 setback variance request.
26
27 Murphy: Moved, Tom Murphy.
28
29 Dubbin: Second, Mark Dubbin.
30
31 Rodriguez: All those in favor?
32
33 Members: Aye
34
35 Rodriguez: Those opposed; seeing none. Okay we'll see you back next
36 Wednesday with the sewer easement resolved, okay?
37

38 **IV. NEW BUSINESS**

- 39
40 **START** → 1. Case Z2823 and S-11-002 – Rezone from HC to M-3C and Kennon
Annexation Master Plan Major Amendment No. 1
41
42 • Request of a zone change from HC (Holding with conditions) to M-3C
43 (Heavy Industrial with conditions).
44 ○ Original conditions require the property to be master planned at the
45 time of development.
46 ○ New conditions include:

1 1. To allow the proposed use to vary from the requirements from
2 public/private utility installation auto parking requirement that states
3 a driving aisle shall be required at a minimum width of 11 feet and
4 shall meet the City's paving standards for construction (2001
5 Zoning Code, as amended) and instead utilize an unpaved, 25-foot
6 right-of-way and utility easement.

- 7 • Any development on the subject property shall adhere to all applicable
8 restrictions of the Las Cruces Municipal Code Section 38-46.1, Airport
9 Operations District (AOD)

10
11 Rodriguez: The next item on the agenda is a major amendment to the Kennon
12 Annexation Master Plan. As well there is a zone change that also
13 accompanies this. Typically DRC doesn't review zone change
14 requests so the DRC will be actually taking action on the major
15 amendment to the Kennon Annexation Master Plan. That Kennon
16 Annexation Master Plan also includes a waiver request with
17 development language to defer road improvements for the adjacent
18 roadway, so Jennifer if you could please present the case and then
19 Dave if you could, Dave or Christine, if you could add anything to this;
20 Jennifer, please.

21
22 Robertson: The Kennon Annexation Master Plan... this is the Kennon Annexation
23 Master Plan Major Amendment Number One. The area of this half-
24 section incorporates about 320 acres. The property is accessed
25 through Crawford Boulevard.

26 The conditions that Cheryl was discussing regarding the waiver;
27 there is a note on the plat, note number eight that regards this
28 particular condition for the waiver and I'm going to amend it based on
29 Meei Montoya's comments, Utilities, to amend the trip generation
30 information from two to four, but I'll go ahead and read it for the
31 record.

32 *Current traffic generated by this property consists of approximately*
33 *four trips per day to verify proper operation of an existing gas regulator*
34 *station and for operation of an existing City of Las Cruces composting*
35 *and spare irrigation facility. An estimated 25 vehicles per day utilize*
36 *the existing right-of-way and easement for a pipeline that passes*
37 *through the property. Since traffic generation for M-3 zoning is highly*
38 *specific to the actual use, the traffic estimation with any road design*
39 *and construction will be done at the building permit stage for the actual*
40 *lot or tract being developed. At that time, all design construction and*
41 *traffic estimation will be done in accordance with the City's Design*
42 *Standards, MPO Transportation Plan in effect at that time. The*
43 *immediate added use plan for this property is for an approximate 155*
44 *acre photovoltaic plant which will generate approximately one trip per*
45 *day upon completion. No road design or construction is planned in*
46 *association with this particular facility.*

1 Does anybody have any questions or comments about this note? I
2 don't if we want to do...

3
4 Rodriguez: If I could add, the purpose of this note coming on is you have a major
5 amendment to the Kennon Annexation Master Plan because the land
6 use right now for that is unspecified; it's in a holding zone, it's zoned H
7 for holding. So there's a zone change request that is accompanying
8 this to go from Holding to M-3 for industrial use so the master plan will
9 account for all the M-3 land uses. Right now it's specific for a utility use
10 and because there's also going to be a subdivision of land occurring,
11 the City's Design Standards state that the adjacent road improvements
12 to Crawford Boulevard must be done and Crawford Boulevard Tom, is
13 a...?

14
15 Murphy: It's a proposed corridor; we do not have Arterial or Collector status
16 designated yet.

17
18 Rodriguez: Okay, so with that there's language in there to defer the adjacent
19 roadway improvements and this waiver will go all the way up with this
20 language on this master plan; will accompany the zone change
21 request all the way up to City Council so if there's any... if the
22 photovoltaic utility substation did not occur and a different land use
23 came in then there will be another series of mechanisms that will be
24 involved at the building permit stage to determine whether or not the
25 adjacent right-of-way improvements are warranted and if the applicant
26 at that time did not want to comply and wanted to not comply with the
27 language set forth on the master plan they would be required to go
28 back before Council to get that changed because this is going up to
29 Council. So I just wanted to add on that for clarification purposes.

30
31 Johnston: Madam Chair, with the language introduced like that, that would
32 require this whole process for anything other than this current use?

33
34 Rodriguez: Yes.

35
36 Johnston: Okay.

37
38 Rodriguez: Yes.

39
40 Logan: Now it requires road improvement or this process, for anything other
41 than the utility use.

42
43 Rodriguez: Road improvements, yeah. Thank you.

44
45 Johnston: Correct, correct. Okay. Thank you.

46

- 1 Rodriguez: Dave, Christine, did you want to add anything?
- 2
- 3 Blanchard: Couple of things I suppose, they're pretty minor. We had a change in
4 the number here; instead of making that an issue that's called
5 separately for P&Z why don't I just get my note changed and it gets
6 cleaned up here and it doesn't have to go any further.
- 7
- 8 Rodriguez: That's fine.
- 9
- 10 Blanchard: They are also saying, another minor comment from... on the airport,
11 that they want us to change, add a little more wording saying they're
12 under the Airport Overlay Zone District. I'll add that note too. I believe
13 outside of that, all other... they're all you know, everything was happy,
14 everybody is happy. There is one thing we should probably note, that
15 note eight pulls out the road conditions and the drainage and all that
16 for having to be done until something happens with the land but on
17 page two there's also a note that does the same thing for City Utilities
18 so that's (*inaudible*) and do you want me to change my title to say
19 Master Plan Major Amendment No. 1?
- 20
- 21 Rodriguez: That's fine.
- 22
- 23 Blanchard: Don't?
- 24
- 25 Rodriguez: It's okay. So we'll go ahead and go around the table; Facilities?
- 26
- 27 Johnston: Mark Johnston, Facilities; no issues.
- 28
- 29 Rodriguez: Utilities?
- 30
- 31 Montoya: We don't have no issues.
- 32
- 33 Rodriguez: Public Works?
- 34
- 35 Reyes: Public Works, Loretta Reyes; we did approve it with conditions and I
36 believe that we've resolved the P-icon and all that with you.
- 37
- 38 Blanchard: It went away.
- 39
- 40 Reyes: Okay and then right-of-way and property line appear to overlap.
- 41
- 42 Blanchard: That's not an issue for master plans number one. Number two, it's
43 resolved on the plat.
- 44
- 45 Reyes: And then this is not for... but we've deferred to Community
46 Development regarding an access waiver or access or something like

- 1 that so that's already been taken care of? Okay, alright; no other
 2 issues.
- 3
- 4 Rodriguez: Fire?
- 5
- 6 Dubbin: Mark Dubbin, Las Cruces Fire; we have no issues.
- 7
- 8 Rodriguez: MPO?
- 9
- 10 Murphy: Tom Murphy, MPO. We're supportive of this, especially the note there.
 11 But I just want to kind of put it out there on the table so P&Z can read;
 12 that if in the future a different use, a very different use were to ever to
 13 go on that property, the requirements for what the thoroughfare
 14 system out there would be, could be very different than what's on the
 15 map now so changing all that would start an entire process and we
 16 don't know at this point what those future improvements could be and I
 17 just wanted to let everyone down the line be on notice for that.
- 18
- 19 Rodriguez: Okay.
- 20
- 21 Blanchard: We did address it in the note that it called in standards with the MPO
 22 Transportation Plan in effect at that time so it's very clear that it's when
 23 things happen.
- 24
- 25 Rodriguez: I just wanted to add for the record, Community Development staff
 26 along with Public Works staff have been working with the developer,
 27 the applicant for the site Sun Edison for on the plan review side, we've
 28 done some like preliminary plan review meetings regarding how the
 29 site will be developed to take in account the drainage as well as the
 30 zone change because it is a utility substation. The zoning code has
 31 very specific language on road improvements to the substation so we
 32 are working through that on a zoning side of the house but I just
 33 wanted to state for the record that Sun Edison will also be providing a
 34 dust control plan to help mitigate any dust that is occurring during the
 35 construction process of this. So we've taken proactive steps to work
 36 with the applicant to get this property developed but I wanted to state
 37 that for the record.
- 38 Any other questions, comments? Seeing none, do I have a motion
 39 to approve the major amendment to the Kennon Annexation with the
 40 language for the deferral of the road improvements?
- 41
- 42 Reyes: So moved; Loretta Reyes.
- 43
- 44 Murphy: Second; Tom Murphy.
- 45
- 46 Rodriguez: All those in favor?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Members: Aye.

Rodriguez: Those opposed? Seeing none; it's going to P&Z here in a few weeks
Dave.

END → Blanchard: Thank you very much.

V. ADJOURNMENT (9:28 am)

C. Rodriguez: Do I have a motion to adjourn?

Murphy: So moved.

Reyes: Second.

Rodriguez: We are adjourned.

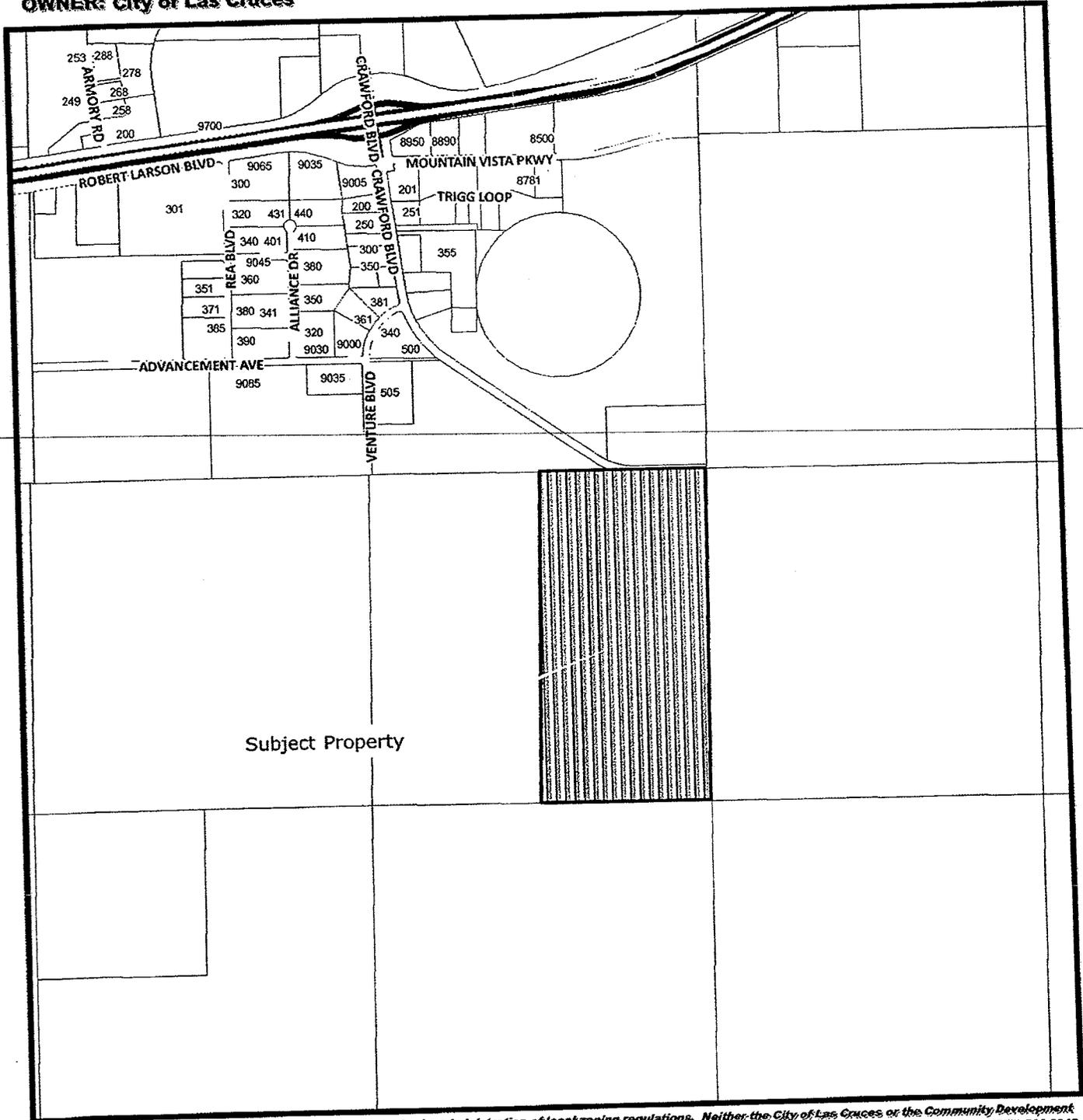
Chairperson

ATTACHMENT #6

ZONING: MC
OWNER: City of Las Cruces

Location Vicinity Map

PARCEL: 02-39560
DATE: 2/14/2011



Subject Property

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 responsibility for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.



5,000 2,500 0 Feet

Legend

City Parcels Interstates_Highway

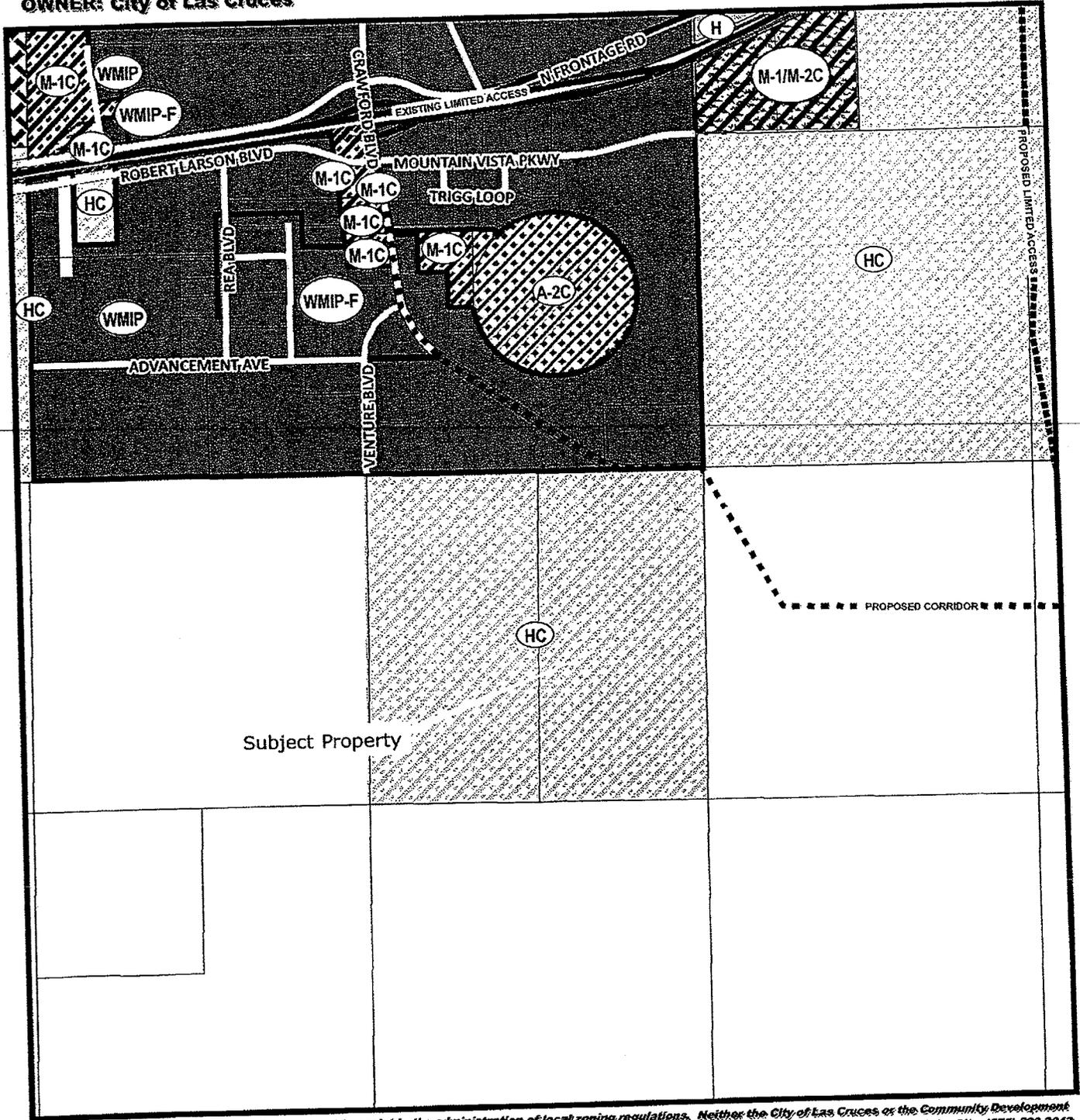
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

ATTACHMENT #7

ZONING: HC
OWNER: City of Las Cruces

Zone Map

PARCEL: 02-39560
DATE: 2/14/2011



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend

- EXISTING LIMITED ACCESS
- EXISTING PRINCIPAL ARTERIAL
- PROPOSED LIMITED ACCESS
- ■ PROPOSED CORRIDOR
- City Parcel
- Interstates_Highway



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

1 Scholz: Commissioner Bustos.

2

3 Bustos: Aye; findings, discussion.

4

5 Scholz: Commissioner Beard.

6

7 Beard: No; findings and discussions.

8

9 Scholz: And the Chair votes aye; findings, discussion and site visit, so the motion
10 is passed four to two. Thank you gentlemen. Thank you applicant.

11

START → 12 → 1. **Case S-11-002:** Application of Blanchard Engineering for the City of Las
13 Cruces for a master plan amendment known as Kennon Annexation Master
14 Plan Major Amendment No. 1 and a waiver request to road improvements on a
15 320± acre tract located at the terminus and on the south side of Crawford
16 Blvd.; a.k.a. 0 Crawford Blvd.; Parcel ID# 02-39560. Proposed Use:
17 Public/Private Utility Installation. Council District 4.

18

19 2. **Case Z2823:** Application of Blanchard Engineering for the City of Las Cruces
20 for a rezone from HC (Holding with conditions) to M-3C (Heavy Industrial) to
21 allow for Heavy Industrial uses with conditions on a 320± acre tract located at
22 the terminus and on the south side of Crawford Blvd.; a.k.a. 0 Crawford Blvd.;
23 Parcel ID# 02-39560. Proposed Use: Public/Private Utility Installation. Council
24 District 4.

25

26 Scholz: Our next piece is Case S-11-002 and Miss Robertson, I think you're up.

27

28 Robertson: Staff has one request for you tonight; the last two items on the agenda are
29 sort of together.

30

31 Scholz: Yes, they are.

32

33 Robertson: So I would ask at this point if we could go ahead and suspend the rules to
34 hear these two cases together just for the discussion part.

35

36 Scholz: Okay; could I entertain a motion to suspend the rules?

37

38 Crane: So moved.

39

40 Scholz: Okay, is there a second?

41

42 Beard: Second:

43

44 Scholz: All those in favor, say aye.

45

46 All Commissioners: Aye.

1
2 Scholz: Those opposed same sign. Okay, the rules are suspended.

3
4 Robertson: Thank you. These are Cases S-11-002 and Z2823; this is the Kennon
5 Annexation Master Plan Amendment No. 1 and Zone Change Request.

6 The case specifics for these two cases; the subject property is located
7 at the terminus, Crawford Boulevard; we'll have a map in just a second to
8 go and look at where that's at in relation to rest of the West Mesa. The
9 master plan amendment and zone change request proposes public and
10 private utility installation uses on approximately 320 acres. The existing
11 uses on the subject property include at this time a small gas regulator
12 station and a composting and spray irrigation area. The proposed use, the
13 use that they're proposing on this site to come into the future for
14 development is a solar energy project, also known as the private utility
15 installation side of this proposal.

16 There is a variance and a waiver request associated with these two
17 cases so just to give you information about the waiver request; the waiver
18 request is to road improvements to Crawford Boulevard and the variance
19 request is for the parking requirement. The parking requirement for a
20 private utility installation would be an 11-foot on-site only driving aisle from
21 the nearest public right-of-way which would be Crawford Boulevard.

22 In the end, approval of these requests would allow the property to be
23 developed in accordance with the proposed master plan amendment for
24 the subject property to develop this new private utility installation or also
25 known as the solar energy project.

26 Here's the second page of the master plan amendment. If I could point
27 out, here is Crawford Boulevard here to the north of the subject property.
28 This half a section right here is the subject property. There is a large gas
29 line that runs, that bisects basically the subject property from this corner
30 here all the way south and it continues to go down into the public land,
31 closer to the Potrillos.

32 Here's an aerial of the subject property, here is Crawford Boulevard,
33 going to the subject property. This is the subject property here highlighted
34 in cyan. Here's the high-pressure gas line that runs across the property
35 and then there are several arroyos that also traverse the subject property
36 that cut, especially in this area here, there are some topographical
37 challenges.

38 Here's an MPO thoroughfare map of the subject area. Crawford
39 Boulevard is a proposed Corridor; it is proposed to be a Corridor for traffic
40 going from I-10 all the way to the south part of our town and there's no set
41 plans for that road other than when development comes, they are going to
42 assess where it's going to be and how it's going to function; and they
43 being the MPO.

44 Staff recommendation and just to kind of keep you in line with what's in
45 the staff report; page 12-of-12 of your staff report actually spells out the
46 conditions associated with the staff recommendation for the zone change

1 and variance request and then the DRC recommendation for the master
2 plan amendment and the waiver request so just to kind of keep those in
3 track. So the staff recommendation for the proposed zone change and
4 variance request; one, to allow the use that's proposed for the subject to
5 numerically deviate a 100% from the requirements of these utility
6 installations parking standards which require a minimum 11-foot driving
7 aisle on the site itself. The second part is any development on the subject
8 property shall adhere to all applicable restrictions of the Las Cruces
9 Municipal Code in regards to the Airport Operations Overlay District. That
10 was also an original condition from the original zoning and annexation and
11 master planning of the Kennon Annexation area.

12 The DRC recommendation, there is a condition associated with the
13 master plan amendment but given it's about three small paragraphs long,
14 I'm going to go ahead and read it for the record, but it is also written out
15 and typed out in your staff report under the DRC recommendation. On
16 February 9, 2011, the DRC reviewed and recommended approval for the
17 proposed master plan amendment conditionally and the condition actually
18 goes to the waiver request. The condition states: "Current traffic generated
19 by this property consists of approximately four trips per day to verify
20 proper operation of an existing gas regulator station and City of Las
21 Cruces composting and spray irrigation facility. An estimated 25 vehicles
22 per day utilize the existing right-of-way and easement for a gas pipeline
23 that passes through the property. Since traffic generation is highly specific
24 to the actual use, traffic estimation for traffic generated by the
25 development along with any road design and construction will be done at
26 the building permit stage for the actual lot or tract developed. At that time,
27 all design, construction and traffic estimation will be done in accordance
28 with City Design Standards and the MPO Transportation Plan in effect at
29 that time. The immediate added use plan for this property is for an
30 approximate 155 acre photovoltaic or solar energy plant which will
31 generate approximately one trip per day upon completion. No road design
32 or road construction is planned in association with this facility." And we
33 have two slides that regard your options for the master plan amendment
34 waiver request and then also the zone change and variance request but in
35 essence they marry each other.

36 The first option is to vote yes and approve the master plan amendment
37 with the conditions stated and waiver request as recommended by DRC.
38 Vote yes and approve the master plan amendment and waiver request
39 with your own conditions. Vote no or table the request and then for the
40 zone change and variance request, they would be the same but for those
41 two requests. Staff stands for questions. The applicant also has a
42 presentation they would like to give.

43
44 Scholz: Alright, questions for this lady. Commissioner Crane, your mic is on; did
45 you have a question? Okay, let's here from the applicant.
46

1 Blanchard: I'm Dave Blanchard with Blanchard Engineering. I'm working for the City
 2 on this project with Christine Logan who is with the City. I'll be doing the
 3 presentation and then Christine and I will both stand for questions.
 4

5 Scholz: Okay, we need you closer to the mic, sir. Can we raise that podium a bit?
 6

7 Blanchard: I don't know.
 8

9 Scholz: Well, the young lady does; she is very good at this... and I think it's topped
 10 out; okay. Stay on mic, please.
 11

12 Blanchard: I'm David Blanchard with Blanchard Engineering. I'm working for the City
 13 for Christine Logan and I'm doing the little presentation and Christine and I
 14 will both stand for questions at the end.
 15

16 Scholz: Thank you, sir.
 17

18 Blanchard: This is where it's located, generally, if I can find the mouse. Here's the
 19 airport exit, we're down here south of the F&A Cheese. It's 320 acres in
 20 the east half of section 2, 24 south, range 1 west and that should be
 21 USGLO surveys instead of the USRS surveys; a typo slipped through. We
 22 look at the aerial view, this is a Google project, 2010 roughly. The existing
 23 City composting is this little white square here; I'll have better pictures in a
 24 moment. The City has a sprayer irrigation area where they're taking the
 25 affluent from the west mesa treatment plant and spraying it on the ground
 26 in here, fenced area. There's gas line Road, Jennifer's talked about;
 27 transects the property, goes to the Afton Gas Station. There's a gas
 28 regulator station in the northeast corner of the property. This is the
 29 composting area, it's a basically a concrete platform where they dry out
 30 the sludge from the sewer treatment plant at the end of Lohman and
 31 Amador and this is how it looks relative to the property standing a little bit
 32 on the north side of the property looking to the southwest. I have this little
 33 caption, lower left of all of my photographs so that you can see where the
 34 picture-taker was standing when he took the picture.
 35

36 Scholz: Good idea.
 37

38 Blanchard: Looking to the north of the property, there's not much very close; that's the
 39 F&A Cheese plant quite a ways away. If we stand on the north property
 40 line looking west, we have an electric line that's on the property to the
 41 north, adjacent to us, City owned property and there is a dirt road with a
 42 gas line in the road; it goes over, I believe, to the prison. Looking to the
 43 east, we have the same situation; the electric line adjacent to the north,
 44 dirt road and a gas line on our property.
 45

46 This is the gas line road into the property just a little ways looking
 southwest, through our property. It's improved with basically gravel; on

1 each end it goes back to being more dirt and this is also, has all the proper
2 easements on it now. Any development we'll have to do, we'll have to put
3 on the proper easements also.

4 This is a part of the spray irrigation system the City has; has a sprinkler
5 and a couple more sprinklers so you can see the configuration of the
6 sprinklers; they're inside a fenced area. This is the gas regulator station
7 located on the northwest corner of the property.

8 This is the master thoroughfare plan that Jennifer referred to earlier
9 and shows Crawford Avenue here on the north boundary of our property;
10 of course we'll have to accommodate that for right-of-way when we do
11 something.

12 This is the Airport Overlay Zone and this is where we fit relative to the
13 overlay zone. We're in the conical area where the most salient limitation
14 is; the limiting structure height is 300 feet for the northwest corner.
15 Increases gradually because the land slopes down and the cone slopes
16 up and we have to abide the original master plan with the Kennon
17 Annexation by our master plan; we do have to accommodate all airport
18 issues.

19 This is property and we'll show a little bit about the ownership of the
20 surrounding properties. City of Las Cruces is on the north, State of New
21 Mexico northeast, United States on south, southeast and south and the
22 State of New Mexico is on the west.

23 Looking at the zoning of the surrounding properties; to the north is
24 where the only place where anything is really happening. This is the West
25 Mesa Industrial Park Overlay Zone. State of New Mexico zone is unzoned,
26 vacant. The United States is unzoned, vacant. The State of New Mexico
27 on the west of our property is vacant, the zoning is Holding from the, again
28 from the Kennon Annexation, originally. Of course our property is owned
29 by the City of Las Cruces; it's Holding, we're asking for M-3 zoning.

30 The existing land use is the City of Las Cruces, if I can get my mouse
31 down here, the utilities for the previously mentioned composting area and
32 spray irrigation field. The immediate planned use is for a photovoltaic
33 utility by a company called Sun Edison and then the City Commission
34 today approved the staff to proceed developing and auction for Sun
35 Edison to lease this property.

36 I included these pictures of the master plan just in case somebody
37 wants us to refer back to them during discussion since I'm following the
38 same thing Jennifer did. This is the photovoltaic by the Sun Edison
39 people. This particular one is in Alamosa, Colorado; just typically what you
40 might see for a photovoltaic system. Here is another photovoltaic system
41 in Arizona by enXco which is a firm I believe has, is pursuing putting
42 another photovoltaic plant on the west mesa also. The actual configuration
43 may be different than this; it'll look somewhat similar and as it is close to
44 the ground but the technology is dynamic and changing at a fairly quick
45 rate so the configurations might look slightly different.

1 Summing it up, we have, we're trying to get the zoning changed from
 2 Holding to M-3. The current use is the City of Las Cruces spray irrigation
 3 and composting facility. Immediate future as previously mentioned, Sun
 4 Edison photovoltaic and neither Sun Edison nor the City utilities want
 5 traffic in their area now; there's people aren't out there to man it. The gas
 6 regulator station's out there, the composting area and the spray irrigation's
 7 not a place they want people to be coming conveniently and likewise Sun
 8 Edison doesn't want a lot of people coming around their photovoltaic if
 9 they can avoid it. Because of this, the roadway and drainage is postponed
 10 until such time as construction or some use warrants use of it, because
 11 anything that Sun Edison does we'll have to solve the drainage issues if
 12 there are any as they go along, they'll have to comply with all the City
 13 ordinances and they'll have to comply with the City's standards at the time
 14 of construction. So, if things go down the road a ways and City standards
 15 change, they still have to comply with the standards as they are at the
 16 time they're choosing to do something.

17 Utilities are also postponed; Sun Edison has no use for them, the City
 18 has no use for them and if the roadways are not being built it doesn't
 19 make sense to put utilities until they'll be utilized and when they are put in,
 20 they'll have to comply with City standards at the time of construction.

21 They'll have to comply with the Overlay Zone which should be no
 22 problem and we've put for a maximum of six lots in here. That's depending
 23 on how much land gets used up for other things basically. Sun Edison on
 24 the most recent sketch is looking to take around 140 acres and the City
 25 uses up 120, 140 so there's still some land available there and all staff
 26 comments have been resolved positively and we'll be happy to stand for
 27 questions.

28
 29 Scholz: Alright, any questions? Oh Christine, do you want to make a presentation?
 30 No? Okay, questions for these folks? I've never seen them mute like this,
 31 this is amazing.

32
 33 *(Someone speaking away from microphone.)*

34
 35 Scholz: Well, I think it is. Yes, I think you explained it very well. Alright, I only had
 36 one question. Is this site going to be fenced? Is that their practice?

37
 38 Logan: Mr. Commissioner, it is the practice of the solar project to be fenced but
 39 it's also a requirement of our code, so it must be fenced, as a utility
 40 installation.

41
 42 Scholz: Because I was thinking, you know, you don't want people there but people
 43 will wander down that road. I did in my pickup truck and I made it all the
 44 way down, that's amazing. Okay, no other questions? Okay, thank you
 45 folks. I don't see any public for public participation. I'll entertain a motion to
 46 approve.

1
2 Crane: So moved.
3
4 Beard: Second.
5
6 Scholz: Okay, it's been moved and seconded.
7
8 Rodriguez: Mr. Chairman, point of order, we need to unsuspend the rules.
9
10 Scholz: Oh, I'm sorry, we have to rise from the... yes, we do.
11
12 Evans: Also I believe there's some conditions.
13
14 Scholz: Right, there will be some conditions. We have to rise and reinstate the
15 rules first. Is there a motion to reinstate the rules?

16
17 Crane: So moved.
18
19 Scholz: Is there a second?
20
21 Bustos: Second.
22
23 Scholz: Okay, it's been moved and seconded; all those in favor say aye.
24
25 All Commissioners: Aye.
26
27 Scholz: Those opposed, same sign. Alright, the rules are reinstated. Now we deal
28 with Case S-11-002, first. Were there conditions on this Commissioner
29 Evans?
30
31 Robertson: Chair Scholz, the DRC recommendation has the one very long condition
32 for the waiver request.
33
34 Scholz: That was the one you read to us, yes of course. Okay, Commissioner
35 Evans, would you care to read the waiver request condition?
36
37 Evans: The DRC recommendation: "Current traffic generated by this property
38 consists of approximately four trips per day to verify proper operation of
39 the existing gas regulator station and City of Las Cruces composting and
40 spray irrigation facility. An estimated 25 vehicles per day utilize the
41 existing right-of-way and easement for a gas pipeline that passes through
42 the property. Since traffic generation is highly specific to the actual use,
43 traffic estimation for this traffic generated by development along with any
44 road design and construction will be done at the building permitting stage
45 for the actual lot or tract developed. At that time, all design, construction
46 and traffic estimation will be done in accordance with City Design

- 1 Standards and MPO Transportation Plan in effect at that time. The
 2 immediate added use plan for this property is for an approximate 155-acre
 3 photovoltaic plant which will generate approximately one trip per day upon
 4 completion. No road design or road construction is planned in association
 5 with this facility.”
 6
- 7 Scholz: Okay, I’m going to call the roll; Commissioner Shipley.
 8
- 9 Shipley: Aye; findings, discussion, site visit.
 10
- 11 Scholz: Commissioner Crane.
 12
- 13 Crane: Aye; finds, discussion.
 14
- 15 Scholz: Commissioner Evans.
 16
-
- 17 Evans: Aye; findings, discussion.
 18
- 19 Scholz: Commissioner Bustos.
 20
- 21 Bustos: Aye; findings, discussion.
 22
- 23 Scholz: Commissioner Beard.
 24
- 25 Beard: Aye; findings and discussions.
 26
- 27 Scholz: And the Chair votes aye; findings, discussion and site visit. Okay, I’ll
 28 entertain a motion for Case Z2823.
 29
- 30 Evans: Mr. Chairman, I also have a question regarding the staff recommendations
 31 on that piece of property that we just...
 32
- 33 Scholz: On 2823?
 34
- 35 Evans: Well, in the packet, I mean they’re all under one document and so how
 36 does...?
 37
- 38 Scholz: Alright, ask your question of the staff.
 39
- 40 Robertson: Was the question, how you are voting for them, separately or exactly how
 41 they are put together?
 42
- 43 Evans: There was also a staff recommendation to allow the, you know.
 44
- 45 Robertson: Yeah, the two other conditions that were...?
 46

- 1 Evans: Right.
- 2
- 3 Robertson: Essentially that will be associated with the zone change and waiver
4 request and those will be conditions for it. What you just voted on was the
5 master plan amendment and waiver request and conditions for it, so the
6 DRC recommendation is associated with the subdivision action. The staff
7 recommendation is associated with the zone change action.
- 8
- 9 Evans: Got it, thank you.
- 10
- 11 Scholz: Okay, does that change anything? No; alright I'll entertain a motion then to
12 accept Case Z2823. Don't everyone jump in.
- 13
- 14 Robertson: Staff would like to remind the Commission that there are two conditions;
15 that staff made a recommendation for there too; under the staff
16 recommendation side. I just wanted to add that before any voting started.
- 17
- 18 Scholz: Okay, with the following conditions, I'll read them. "One; to allow the use of
19 numerically deviate 100% from the requirements of public/private utility
20 installations parking standards requiring a minimum of 11-foot driving aisle
21 meeting the City's paving standards and, two, any development on the
22 subject property shall adhere to all applicable restrictions of the Las
23 Cruces Municipal Codes, sections 38-46.1, Las Cruces Operations
24 Overlay Zone District." Did I hear a... I'm sorry, did I hear a motion to
25 approve?
- 26
- 27 Beard: So moved.
- 28
- 29 Scholz: And a second.
- 30
- 31 Bustos: Second.
- 32
- 33 Scholz: With conditions, okay. I'll call the roll; Commissioner Shipley.
- 34
- 35 Shipley: Aye; findings, discussion, and site visit.
- 36
- 37 Scholz: Commissioner Crane.
- 38
- 39 Crane: Aye; finds and discussion.
- 40
- 41 Scholz: Commissioner Evans.
- 42
- 43 Evans: Aye; findings and discussion.
- 44
- 45 Scholz: Commissioner Bustos.
- 46

1 Bustos: Aye; findings and discussion.

2
3 Scholz: Commissioner Beard.

4
5 Beard: Aye; findings and discussions.

6
7 Scholz: And the Chair votes aye; findings, discussion and site visit.

8
9 Robertson: Thank you.

10
11 Scholz: Thank you Miss Robertson, thank you Mr. Blanchard.

12
13 **VII. PUBLIC PARTICIPATION**

14
15 Scholz: Alright, is there any other public participation? I don't see any other public
16 here.

17
18 **VIII. STAFF ANNOUNCEMENTS**

19
20 Scholz: How about staff announcements?

21
22 Rodriguez: Mr. Chairman, Commissioners; there will be a work session on March 15th
23 at 6:00 pm, in this room.

24
25 Scholz: Is there a topic for the work session yet, Ms. Rodriguez?

26
27 Rodriguez: The development review process.

28
29 Scholz: Ah, the development review process.

30
31 Rodriguez: And there may also be an update from Paul on Vision 2040; that's yet to
32 be determined.

33
34 Scholz: That's very possible, yes, we're meeting on Thursday to discuss a draft so
35 we may have something to say.

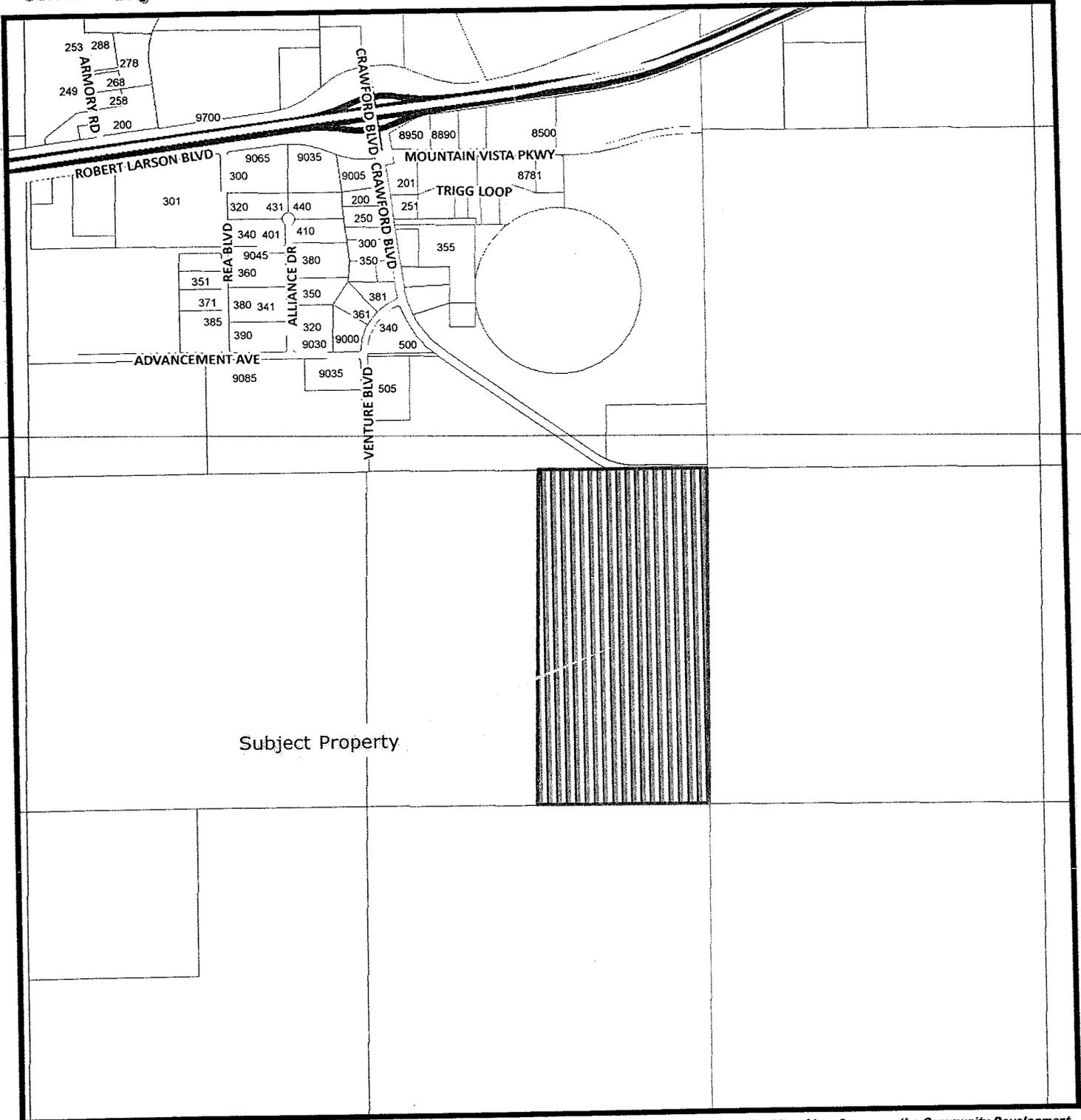
36
37 **IX. ADJOURNMENT (6:59 PM)**

38
39 Scholz: Alright, well if there's no other business before this Commission, I declare
40 us adjourned at about 6:59. Thank you very much folks.

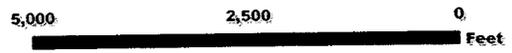
Location Vicinity Map

ZONING: HC
OWNER: City of Las Cruces

PARCEL: 02-39560
DATE: 2/14/2011



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.



Legend

City Parcels Interstates_Highway

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