

# City of Las Cruces®

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## Council Action and Executive Summary

Item # 16 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.

<b>Drafter and Staff Contact:</b> Jennifer Robertson <i>JR</i>		<b>Department: Community Development</b>		<b>Phone: 528-3226</b>	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Department Director	<i>JR</i>	528-3067	Budget	<i>Richard Y. Roberts</i>	541-2107
Other			Assistant City Manager	<i>Benny</i>	541-2271
Legal	<i>Andy Blumly</i>	541-2128	City Manager	<i>Arturo</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: \_\_\_\_\_

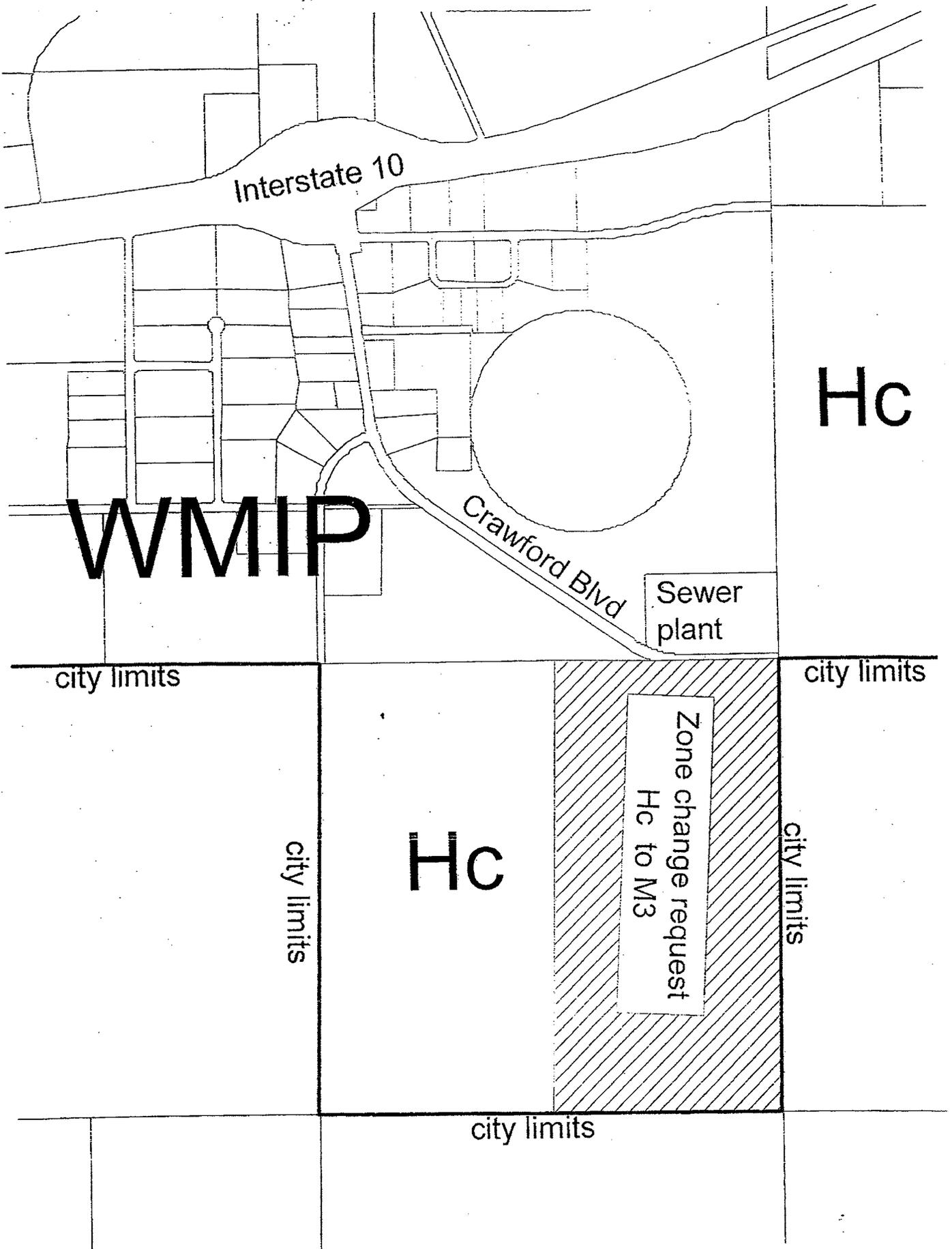
Seconded by: \_\_\_\_\_

Approved as to Form:

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

VOTE:

- Mayor Miyagishima: \_\_\_\_\_
- Councillor Silva: \_\_\_\_\_
- Councillor Connor: \_\_\_\_\_
- Councillor Pedroza: \_\_\_\_\_
- Councillor Small: \_\_\_\_\_
- Councillor Sorg: \_\_\_\_\_
- Councillor Thomas: \_\_\_\_\_



Interstate 10

Hc

WMIP

Crawford Blvd

Sewer plant

city limits

city limits

city limits

Hc

Zone change request  
Hc to M3

city limits

city limits

340  
**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:

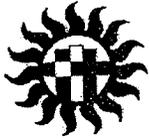
2.3.3. Master Planning shall be considered a planning process where proposals are viewed as a conceptual tool reflecting the ideas and thoughts of future development. The process in which to receive Master Plan approval consists of a streamlined approach with the intent to provide the applicant with 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.



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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

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**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"> <li>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.</li> <li>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).</li> <li>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</li> <li>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.</li> </ol>

**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 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)

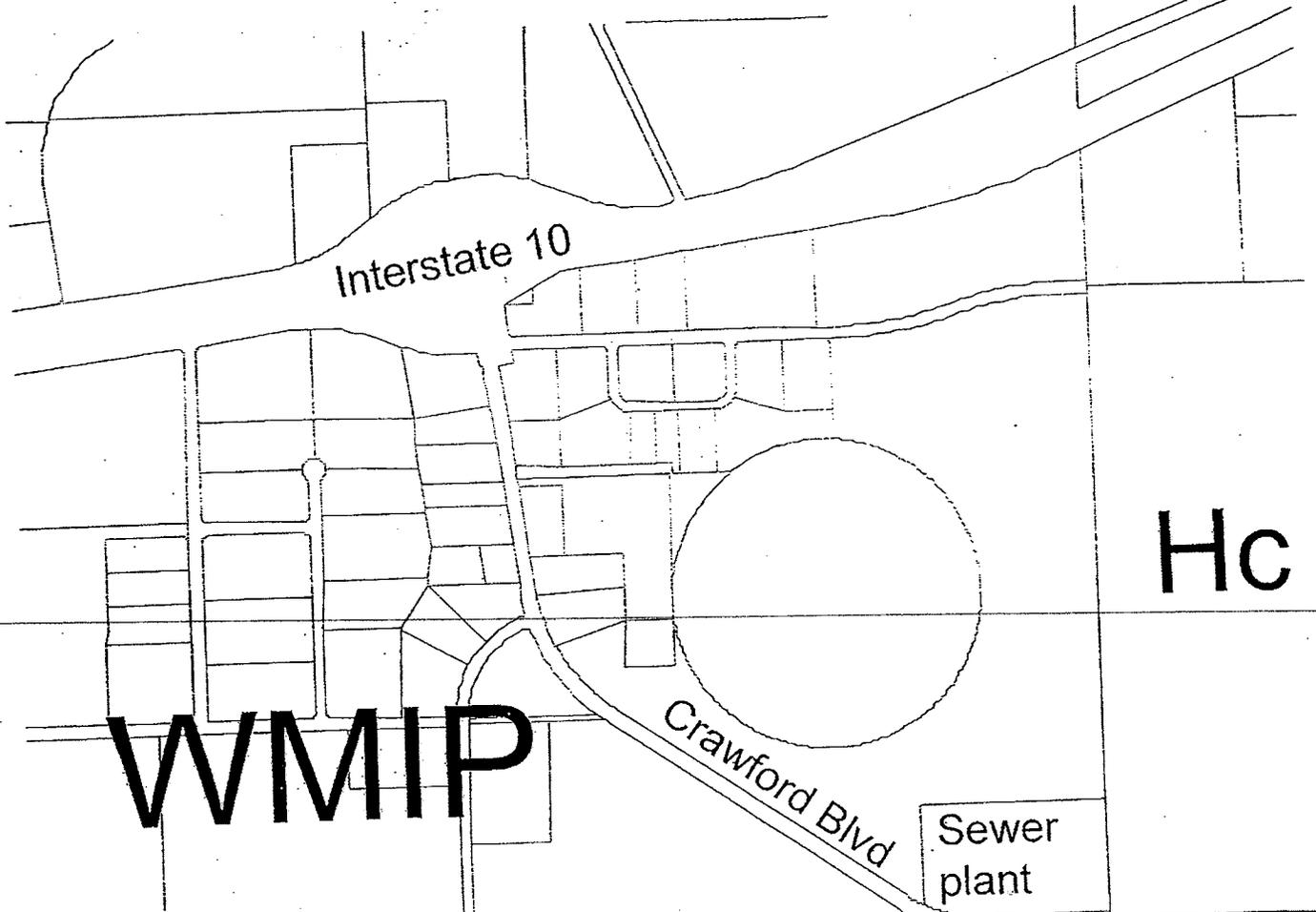
Location map

Detailed site plan

Proposed building elevations\*

Renderings or architectural or site design features\*

Other pertinent information\*



**WMIP**

**Hc**

Sewer plant

Crawford Blvd

Interstate 10

city limits

city limits

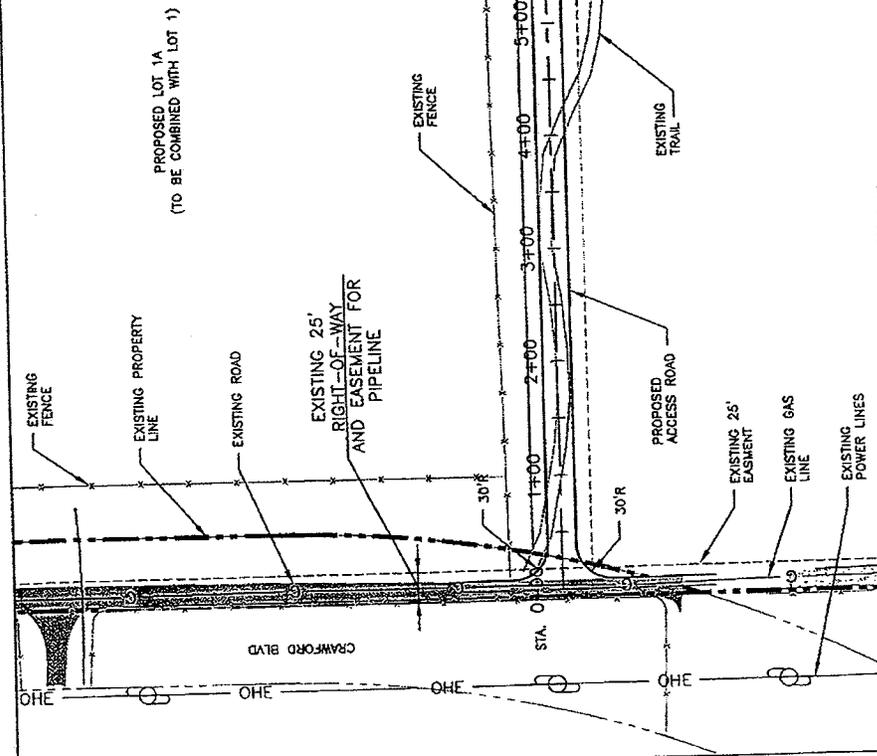
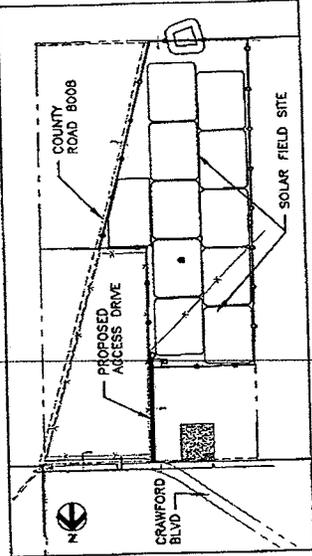
city limits

**Hc**

city limits

Zone change request  
Hc to M3

city limits



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

EXISTING 25'  
RIGHT-OF-WAY  
AND EASEMENT FOR  
PIPELINE

50' ACCESS  
EASEMENT

EXISTING FENCE

PROPOSED LOT 1

EXISTING 25'  
EASEMENT

EXISTING GAS  
LINE

EXISTING POWER LINES

50' ACCESS ESMT

DRIVING LANE

4" THICK AGGREGATE BASE  
COURSE ROADWAY PER  
GEOTECH RECOMMENDATION

2.0X MAX

SHOULDER

SHOULDER

3'-1" MAX TO  
MATCH EXISTING  
GROUND

SCARIFY AND RECOMPACT B" TO A MIN. OF 95%  
MAX. DRY DENSITY, MOISTURE CONTENT WITHIN 2% OF OPTIMUM  
MOISTURE CONTENT, OR AS DIRECTED BY THE SOILS ENGINEER

TYPICAL ROADWAY SECTION

NTS

LOCATION MAP

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

PROPOSED CULVERT

GATE ACCESS

PROPOSED 100' x 100'  
UTILITY EASEMENT

PROPOSED SUNEDISON  
M/V EQUIPMENT

PROPOSED  
LOT LINE

PROPOSED  
FENCE

LOT 2  
SOLAR  
FIELD  
SITE

EL PASO ELECTRIC  
ACCESS DRIVE EXHIBIT  
LAS CRUCES, NEW MEXICO

**Sun Edison**  
Engineering & Construction  
13200 BALTIMORE AVE.  
BELTSVILLE, MD 20705  
(410) 905-7200

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,

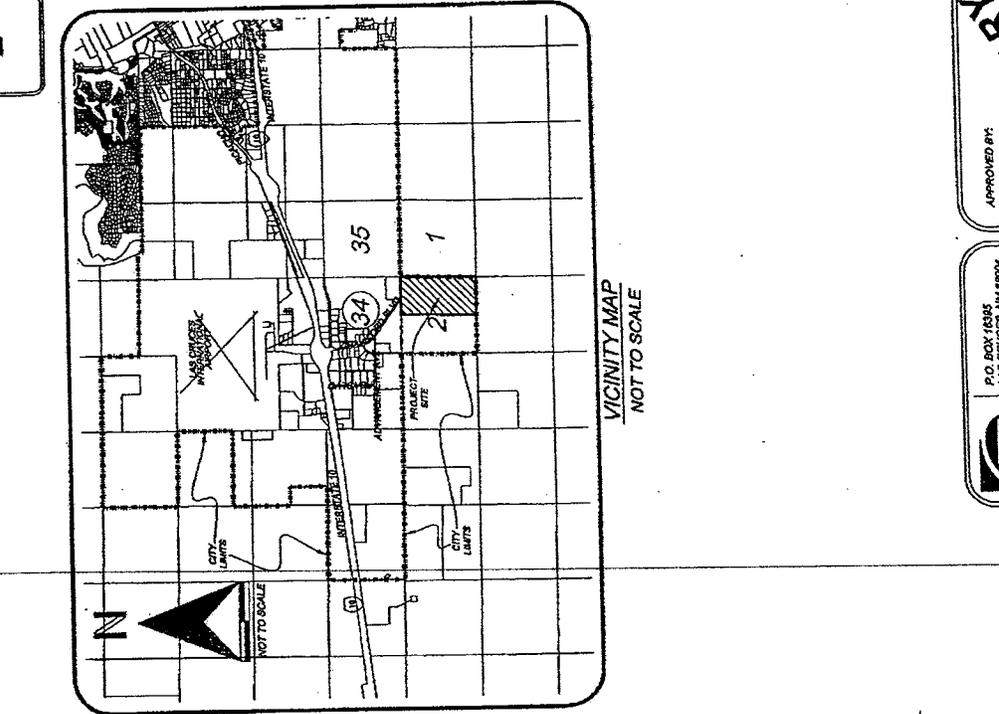


Gretchen Dolson  
HDR Project Manager

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

# KENNON ANNEXATION MASTER PLAN AMENDMENT NO. 1

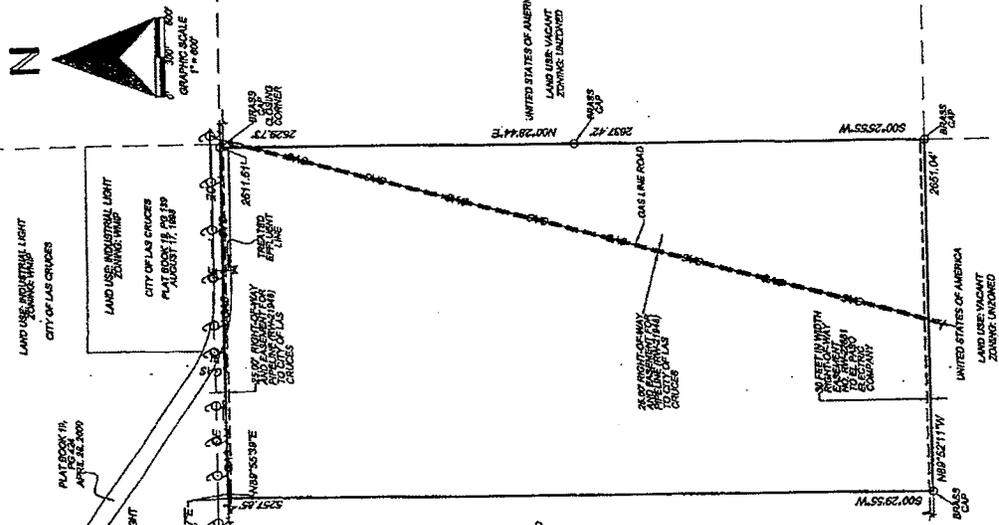
REVISION SET NUMBER  
**2**



APPROVED BY:  
**PRELIMINARY**  
DAVID F. BLANK  
HALF E. 7/41  
DATE: 11/10/11  
SCALE: UNLESS OTHERWISE SPECIFIED

**BE**  
BLANCHARD  
ENGINEERING  
P.O. BOX 4836  
LAS CRUCES, NM 87004  
TEL: (505) 525-5424  
FAX: (505) 544-0588  
http://www.blanchardeng.com

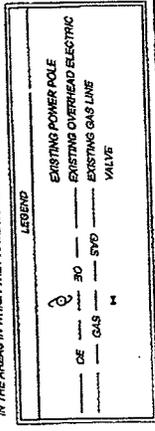
DATE: 11/10/11  
CHECKED BY: DFB  
PROJECT: 101  
DRAWING DATE: 08-18-11  
SHEET: 1 / 2



- GENERAL DESCRIPTION OF PROPERTY  
APPROXIMATELY 320 ACRES OF LAND BEING THE EAST HALF OF SECTION 2, T.26N. R.17W. ALBUQUERQUE COUNTY, NEW MEXICO. INSTRUMENT OF OWNERSHIP BOOK 342, PAGE 344-360, NOV. 3, 2000. DONA ANA COUNTY RECORDS.
- DATE OF PREPARATION: JANUARY, 2011.
- MADE BY: PREPARED BY:  
BLANCHARD ENGINEERING, INC.  
P.O. BOX 4836  
LAS CRUCES, NM 87004
- CITY OF LAS CRUCES  
P.O. BOX 20000  
LAS CRUCES, NM 87004
- PRESENT ZONING = HC  
PROPOSED ZONING = I-3
- CONCEPTUAL DRAINAGE PLAN - ALL EXCESS RUNOFF DUE TO DEVELOPMENT ON THE SITE WILL BE CONTAINED ON SITE IN POND(S) DESIGNATED TO HOLD EXCESS VOLUME OF THE 100-YEAR STORM. LOCATION/ CONFIGURATION OF POND(S) INCLUDING MASTER PLAN, EROSION CONTROL AND CONSTRUCTION ASSOCIATED WITH INDIVIDUAL PARCELS IN ACCORDANCE WITH CIG DESIGN STANDARDS.
- UTILITY LOCATIONS ARE PROVIDED UNDER ONE-CALL ORDER CONFIRMATION NUMBERS 201003111, 201003118, 201003050 AND 201003052 TO BE OUTSIDE 800-YEAR FLOOD PLAIN PER FEMA MAP NO. 501510050 E EFFECTIVE DATE SEPTEMBER 27, 1981.
- CURRENT TRAFFIC GENERATED BY THIS PROPERTY CONSISTS OF 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 COMPOSING AND SPRAY IRRIGATION FACILITY.  
AN ESTIMATED 24 VEHICLES PER DAY UTILIZE THE EXISTING RIGHT OF WAY AND EASEMENT FOR FUELING THAT OPERATIONS FOR THIS PROPERTY WILL BE GENERATION FOR NO ZONING IS HIGHLY SPECIFIC TO THE ACTUAL USE. TRAFFIC ESTIMATION FOR TRAFFIC GENERATED BY DEVELOPMENT ALONG WITH ANY ROAD DESIGN AND UTILITY INSTALLATION WILL BE DONE AT THE CONCEPTUAL DESIGN STAGE FOR THE ALL DESIGN, CONSTRUCTION AND TRAFFIC ESTIMATION WILL BE DONE IN ACCORDANCE WITH CIG DESIGN STANDARDS AND APD 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 100 MW OF ELECTRICITY. CONSTRUCTION OF THE ROAD AND CONSTRUCTION IS PLANNED IN ASSOCIATION WITH THIS FACILITY.
- DWELLING UNITS IN I-3 ZONING ARE ONLY ALLOWED WITH CONDITIONS FOR CARETAKER TYPE PURPOSES.
- SINCE NO LAND USES ARE REACTIVE TO SPECIFIC NEEDS EITHER WITHIN OR OUTSIDE THE LAS CRUCES AREA AND NO ONE RESIDES ON SITE, THERE IS NO POPULATION INCREASE GENERATED FOR THIS POPULATION INCREASE GENERATED FOR THIS AREA WILL BE COUNTED AS ADDITIONAL POPULATION IN THE AREAS IN WHICH THEY HAVE HOMES.

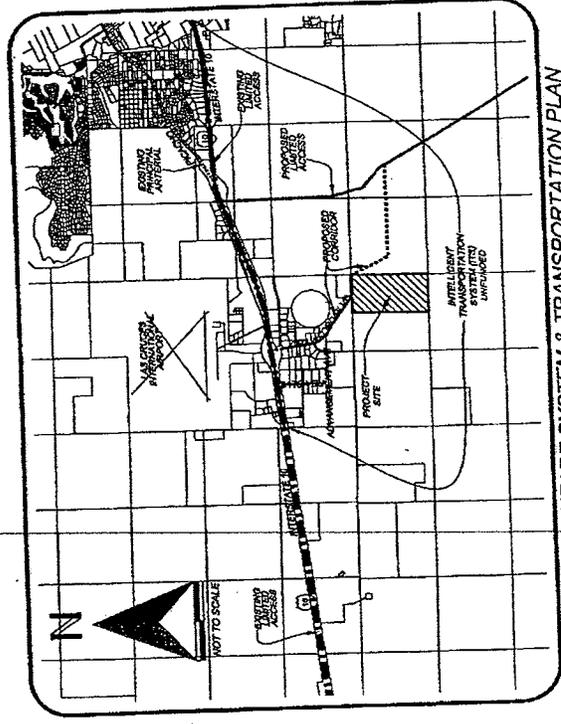
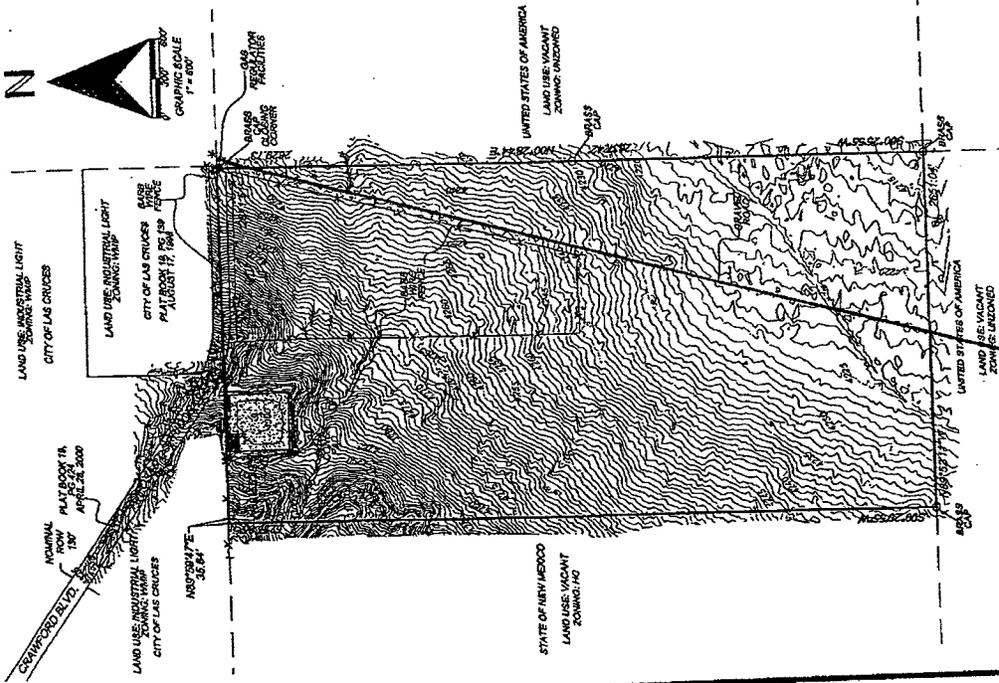
SUBDIVISION ADMINISTRATOR APPROVAL  
THIS MASTER PLAN HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR OF THE CITY OF LAS CRUCES, AND ALL THE REQUIREMENTS OF THE ABOVE MASTER PLAN HAVE BEEN COMPLETED. THE SUBDIVISION OF THE CITY OF LAS CRUCES, SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING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

SUBDIVISION ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_



# KENNON ANNEXATION MASTER PLAN AMENDMENT NO. 1

REVIEW SET NUMBER  
**2**



THOROUGHFARE SYSTEM & TRANSPORTATION PLAN  
NOT TO SCALE

PROPOSED	EXISTING	LAND USE	APPROXIMATE ACREAGE	TOTAL NUMBER OF DWELLING UNITS	DWELLING UNITS PER ACRE	APPROXIMATE ADDITIONAL TRAFFIC ESTIMATED TO BE GENERATED BY DEVELOPMENT	APPROXIMATE TRAFFIC ESTIMATED TO BE GENERATED BY DEVELOPMENT
PUBLIC LAND	LAND USE VACANT WITH LOT ZONING SEE NOTE 8	LAND USE VACANT WITH LOT ZONING SEE NOTE 8	101	N/A	N/A	SEE NOTE 10 SHEET 12	N/A
PRIVATE LAND	LAND USE VACANT WITH LOT ZONING SEE NOTE 8	LAND USE VACANT WITH LOT ZONING SEE NOTE 8	217	N/A	N/A	SEE NOTE 10 SHEET 12	SEE NOTE 10 SHEET 12
RIGHT OF WAY	LAND USE VACANT WITH LOT ZONING SEE NOTE 8	LAND USE VACANT WITH LOT ZONING SEE NOTE 8	1.9	N/A	N/A	SEE NOTE 10 SHEET 12	SEE NOTE 10 SHEET 12
TOTAL:			319.9				

APPROVED BY:  
**PRELIMINARY**  
DAVID F. BLANK  
REGISTERED PROFESSIONAL ENGINEER  
NO. 14,142  
STATE OF NEW MEXICO  
DATE: 11/14/11

**BE**  
BLANCHARD ENGINEERING  
P.O. BOX 15385  
LAS CRUCES, NM 88004  
TEL: (505) 625-4525  
FAX: (505) 641-4000  
www.blanchardengineering.com  
OWNER: UNZONED  
DRAWN BY: JMB  
CHECKED BY: JMB  
PROJECT: 101  
SHEET: 2 / 2  
DRAWING DATE: 02-10-11

6. STANDARD AIRPORT RELATED CONDITIONS:  
ANY DEVELOPMENT ON THE SUBJECT PROPERTY SHALL ADHERE TO ALL APPLICABLE RESTRICTIONS STATED AND OUTLINED IN F.A.C. 177 (HEIGHT RESTRICTIONS) AND F.A.R. PART 180 (NOISE AND LAND USE COMPATIBILITY).  
NO USE MAY BE MADE OF THE SUBJECT PROPERTY IN SUCH A MANNER AS TO CREATE ELECTRICAL INTERFERENCE WITH NAVIGATION SIGNALS FOR PILOTS TO DISTINGUISH BETWEEN AIRPORT AND ADJACENT AREAS. SUCH INTERFERENCE MAY BE CAUSED BY AND BETWEEN AIRPORT, AIRPORT VISIBILITY IN THE VICINITY OF THE AIRPORT WITH THE STRIKE HAZARDS OR OTHERWISE IN ANY WAY MAY BE SUBMITTED TO USE THE AIRPORT. LANDING, TAKEOFF OR MANEUVERING OF AIRCRAFT INTENDING TO USE THE AIRPORT.  
PRIOR TO ANY CONSTRUCTION ON THE SITE, AN FAA NOTICE OF PROPOSED CONSTRUCTION, FORM 7460-1, MUST BE SUBMITTED TO AND APPROVED BY THE FEDERAL AVIATION ADMINISTRATION.

- NOTES:
1. ACTUAL SIZE, LOCATION, DESIGN AND CONSTRUCTION OF UTILITIES TO BE DETERMINED AT THE DEVELOPMENT OF INDIVIDUAL LOTS ON PARCELS, WEEDS, AND SUBJECT TO CHANGE BASED ON UTILITY LOCATIONS IN THE SURROUNDING AREA. ALL DESIGN AND CONSTRUCTION TO BE IN ACCORDANCE WITH C.G. UTILITY STANDARDS.
  2. WATER TO BE PROVIDED BY CITY OF LAS CRUCES.
  3. GAS TO BE PROVIDED BY CITY OF LAS CRUCES.
  4. SEWER TO BE PROVIDED BY CITY OF LAS CRUCES.
  5. PROPERTY LIES WITHIN THE LAS CRUCES INTERNATIONAL AIRPORT OPERATIONS OVERLY ZONE DISTRICT (AOD) AND IS SUBJECT TO SECTION 38-46.1 LCMC AS WELL AS NOTE NO. 9 BELOW.

## **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?

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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.

---

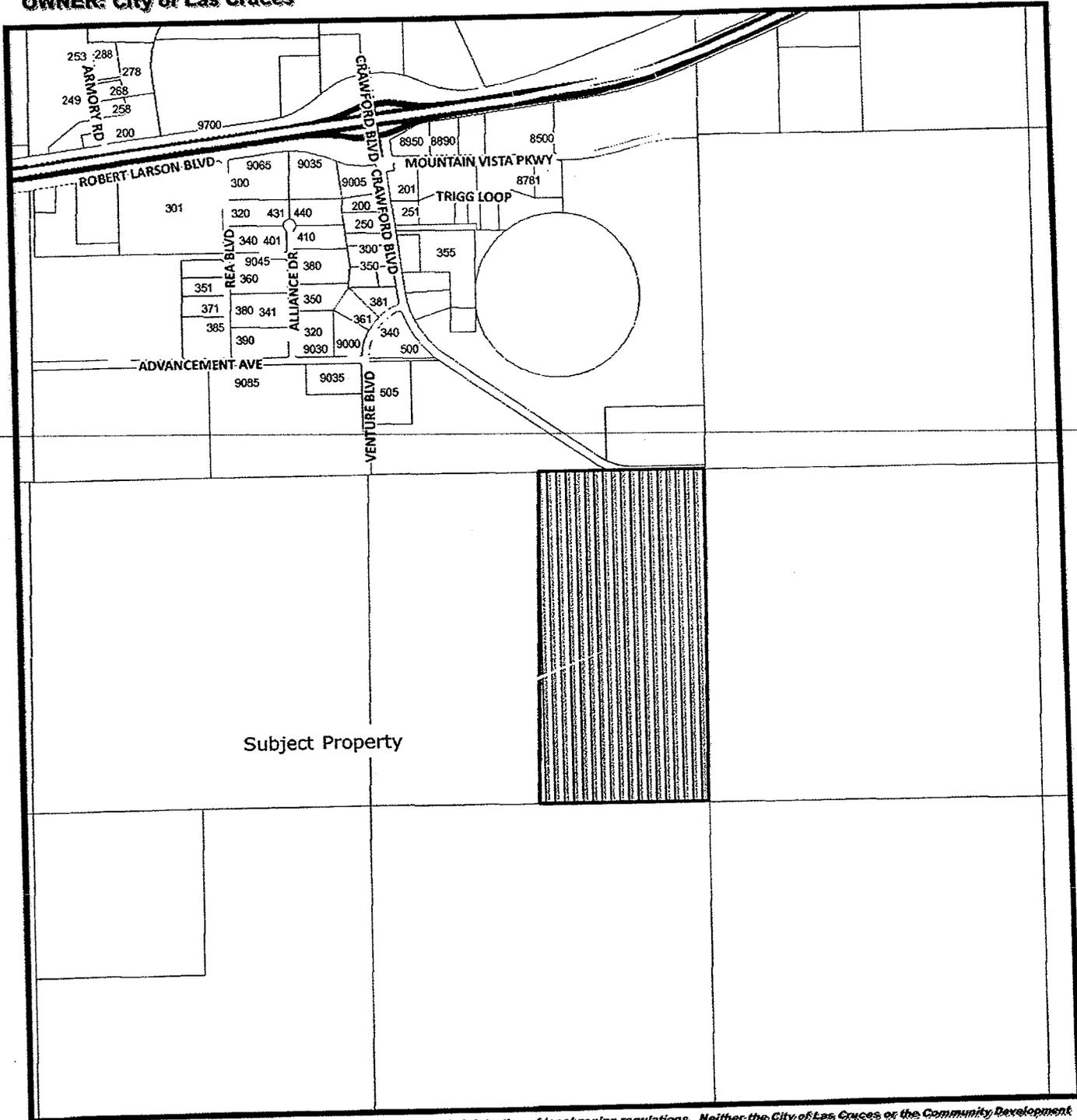
Chairperson

# ATTACHMENT #6

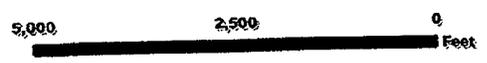
ZONING: MC  
OWNER: City of Las Cruces

## Location Vicinity Map

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



*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.*



**Legend**

□ City Parcels    ~ Interstates\_Highway

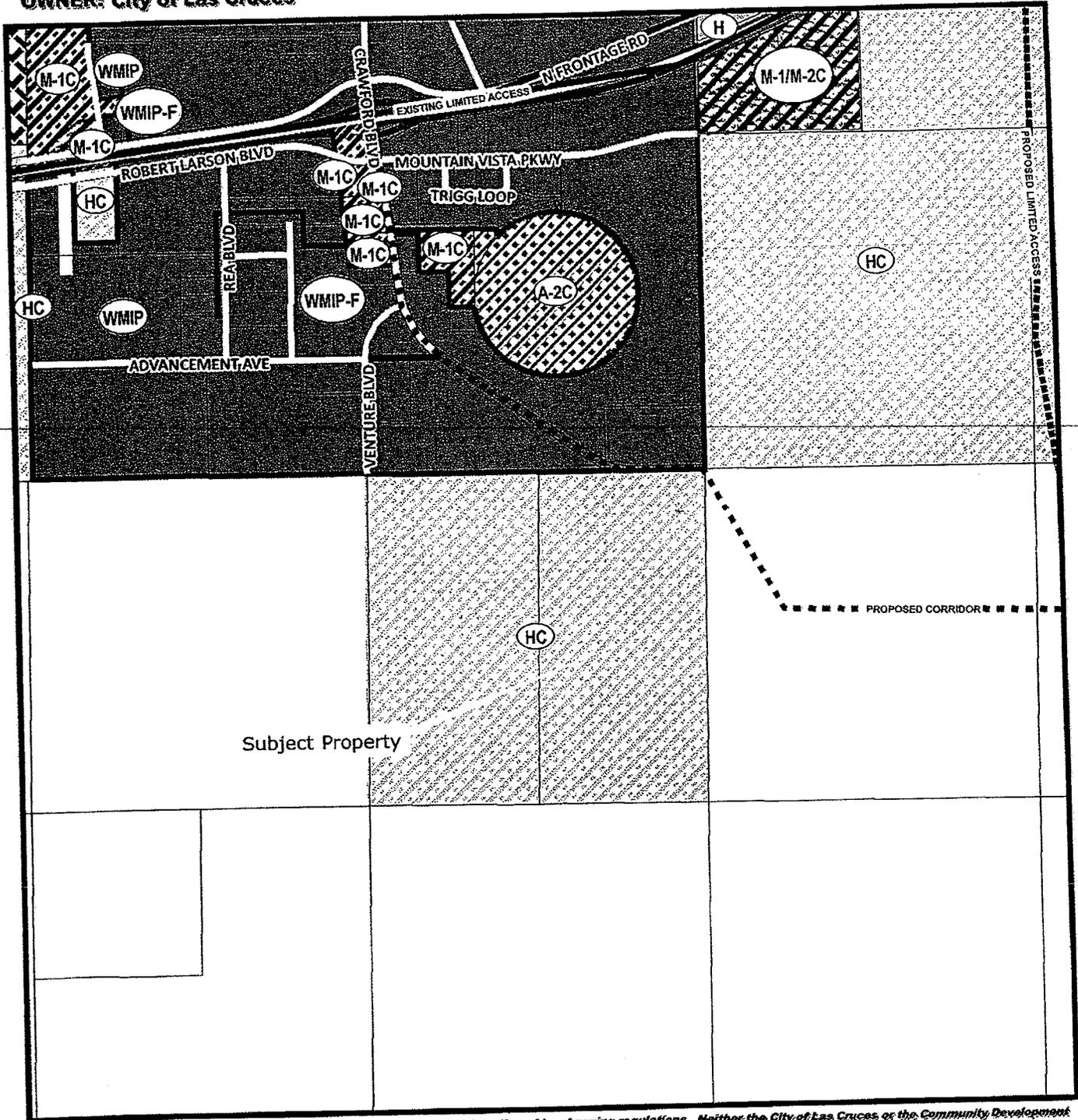
Community Development Department  
700 N Main St  
Las Cruces, NM 88001  
(575) 528-3222

# ATTACHMENT #7

ZONING: HC  
OWNER: City of Las Cruces

## Zone Map

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



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**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

ATTACHMENT B

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  
12 **START** → 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  
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 This is the gas line road into the property just a little ways looking  
46 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 → ND 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 15<sup>th</sup>  
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)**

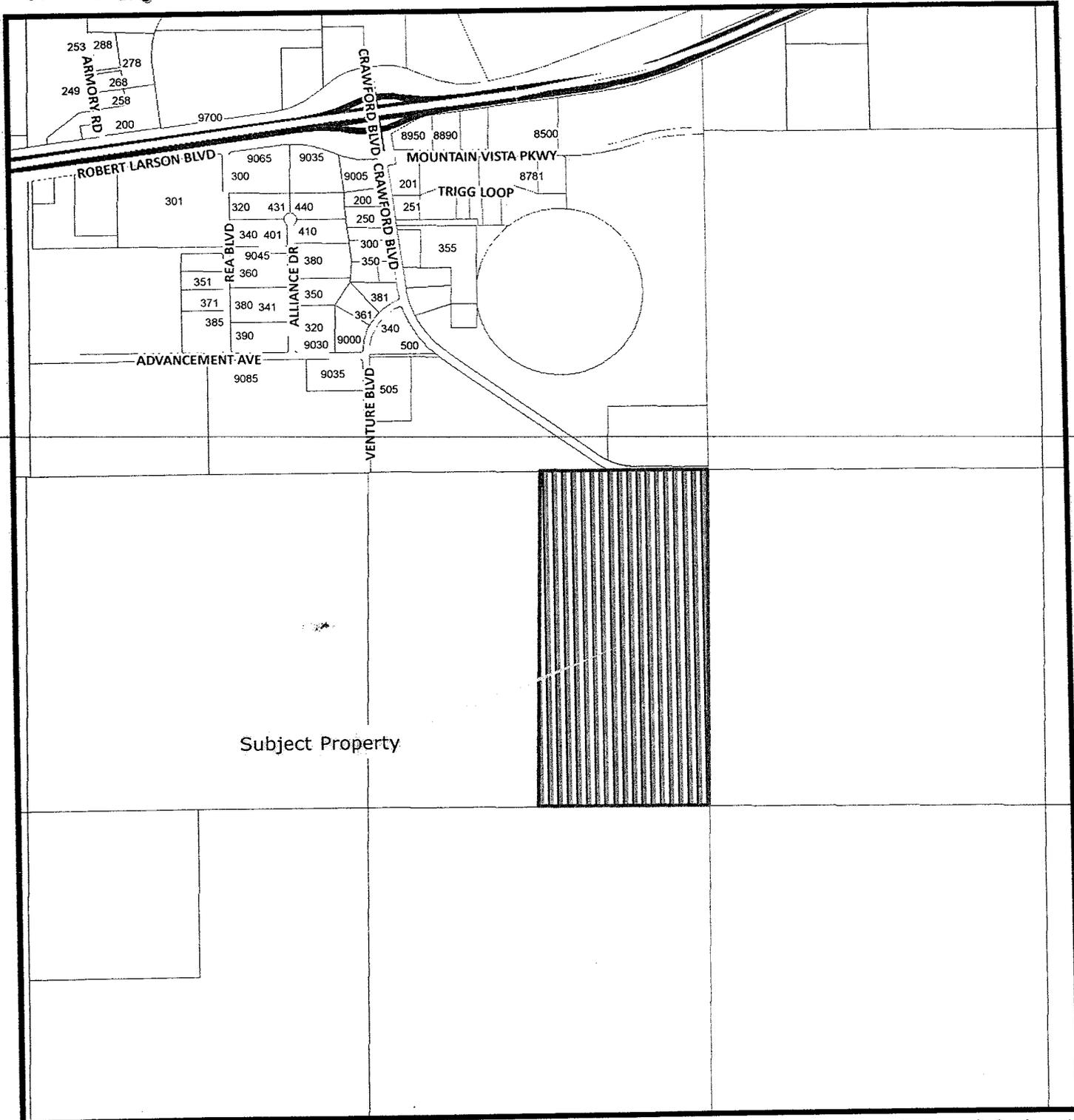
38  
39 Scholz: Alright, well if there's no other business before this Commission, I declare  
40 us adjourned at about 6:59. Thank you very much folks.

41  
42  
43  
44  
45  
46

ZONING: HC  
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 responsibilities 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