City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 19 **Ordinance/Resolution#** 2616

For Meeting of April 18, 2011 (Ordinance First Reading Date)

For Meeting of May 2, 2011 (Adoption Date)

TITLE: **AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR TWO (2) DISTINCT PROPERTIES WITH PARCEL IDENTIFICATION NUMBERS 02-17441 AND 02-18474, LOCATED ON TELSHOR BOULEVARD. SUBMITTED BY STEVE BRADEE, BORDERLAND ENGINEERS & SURVEYORS, LLC ON BEHALF OF NORTHSTAR PROPERTIES, LLC C/O THE POWER CENTER INC, PROPERTY OWNER (Z2832).**

PURPOSE(S) OF ACTION:

Zone change to allow the development of a new Polaris, Sthil and Honda power equipment dealership.

COUNCIL DISTRICT: 6		
Drafter/Staff Contact: Adam Ochoa	**Department/Section:** Community Development	**Phone:** 528-3204
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for two (2) distinct properties located on the east side of Telshor Boulevard, 2,155 +/- feet south of its intersection with Summit Court, just south of the Northrise Business Park. The applicant is proposing to replat the two (2) existing C-2 (Commercial Medium Intensity) zoned lots into one (1) new lot. The new lot will exceed the one (1) acre maximum lot size requirement of the C-2 zoning district. The applicant is proposing to develop the property for the use of a commercial power equipment dealership. Any new development will be required to follow all C-3 (Commercial High Intensity) zoning district development standards.

The proposed zone change is supported by several Land Use Elements within the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES packet. The proposed zone change is located along a Principal Arterial roadway where high intensity commercial uses are encouraged. The proposed zone change is also located in an area of comparable zoning, uses, and intensity.

On March 22, 2011, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change by a vote of 4-0-0 (three Commissioners absent). There were no comments received by the general public.

SUPPORT INFORMATION:

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2832
5. Attachment "B"- Draft minutes from the March 22, 2011 Planning and Zoning Commission meeting
6. Attachment "C"- Vicinity Map

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The two (2) subject properties with a combined area of 1.995 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The zone change facilitates compliance with the 2001 Zoning Code, as amended.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the two (2) subject properties.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

COUNCIL BILL NO. 11-036
ORDINANCE NO. 2616

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR TWO (2) DISTINCT PROPERTIES WITH PARCEL IDENTIFICATION NUMBERS 02-17441 AND 02-18474, LOCATED ON TELSHOR BOULEVARD. SUBMITTED BY STEVE BRADEE, BORDERLAND ENGINEERS & SURVEYORS, LLC ON BEHALF OF NORTHSTAR PROPERTIES, LLC C/O THE POWER CENTER INC, PROPERTY OWNER (Z2832).

The City Council is informed that:

WHEREAS, Northstar Properties, LLC C/O the Power Center Inc., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located on the east side of Telshor Boulevard, 2,155 +/- feet south of its intersection with Summit Court; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 22, 2011, recommended that said zone change request be approved by a vote of 4-0-0 (three Commissioners 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 C-3 (Commercial High Intensity) for property located on the east side of Telshor Boulevard, 2,155 +/- feet south of its intersection with Summit Court.

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this_____ day of _____ 2011.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

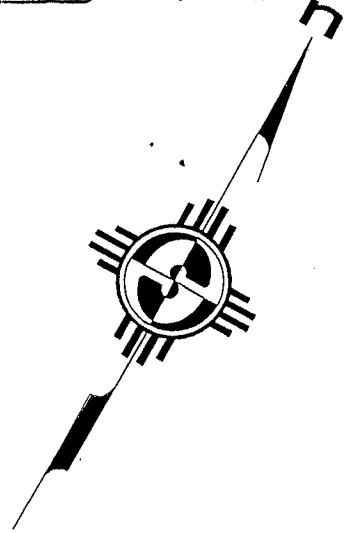
_____
City Attorney

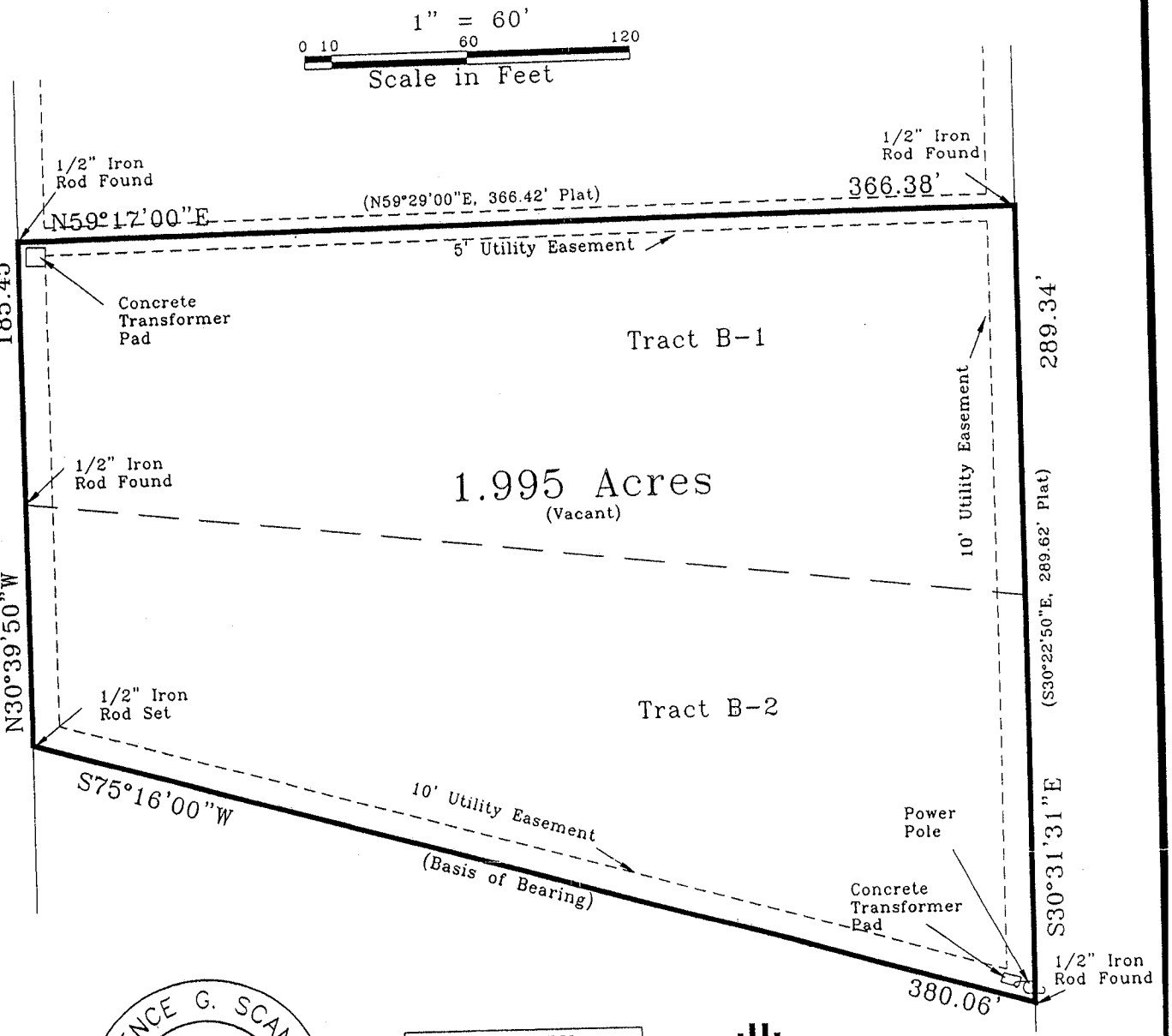
EXHIBIT A

PLAT OF SURVEY

TRACTS B-1 AND B-2
NEW STATE REPLAT NO. TWO
PLAT FILED JANUARY 21, 1986
IN BOOK 14, PAGE 134, OF THE
DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES
DONA ANA COUNTY
NEW MEXICO

Boundary of Rezone from C2 → C3 due to Lot Size of 1.995 AC. Legal ⇒ Tracts B-1 & B-2





SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APRIL 13, 2006
DATE OF SURVEY

TED G. SCANLON - PS NO. 9433
540 N. WATER STREET, LAS CRUCES, NM 88001

TERENCE G. SCANLON
NEW MEXICO
9433
REGISTERED PROFESSIONAL LAND SURVEYOR

DRAWN BY:	BRADY
FIELD BY:	T. ESCALANTE
JOB NO.:	06-04-0328
DATE:	APRIL 13, 2006

PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0632 F, EFFECTIVE SEPTEMBER 6, 1995.

scanlon white inc.
3780 Foothills, Suite C
Las Cruces, New Mexico 88011
Phone: (505) 525-2112
Fax: (505) 525-1226

EXHIBIT B

FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The two (2) subject tracts of land encompass a combined 1.995 +/- acres: Tract B-1 encompasses 0.995 +/- acres and Tract B-2 encompasses 1 +/- acres.

2. The subject properties are currently zoned C-2 (Commercial Medium Intensity) and are currently undeveloped.

3. The subject properties are located on Telshor Boulevard, a Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO).

4. The applicant is proposing to replat the two (2) existing tracts of land into one (1) new lot where a new business is being proposed to be developed.

5. The proposed zone change will make the newly replatted lot compliant with the 2001 Zoning Code, as amended.

6. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policy 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

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

ATTACHMENT A

City of Las Cruces®
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: March 4, 2011

CASE #	Z2832
PROJECT NAME:	N. Telshor Boulevard (Zone Change)
APPLICANT:	Steve Bradee, Borderland Engineers & Surveyors, LLC
PROPERTY OWNER:	Northstar Properties, LLC C/O The Power Center Inc.
REQUEST:	Zone change from C-2 (Commercial Medium Intensity) to C-3 Commercial High Intensity) for the purpose of replatting the two (2) existing tracts into one (1) new lot that will be developed for a new business.
PROPOSED USE:	The development of a new Polaris, Stihl and Honda power equipment dealer.
SIZE:	1.995 +/- acres combined
CURRENT ZONING:	C-2 (Commercial Medium Intensity)
LOCATION:	Located on the east side of Telshor Boulevard, 2,155 +/- feet south of its intersection with Summit Court; Parcel ID#s 02-17441 & 02-18474.
COUNCIL DISTRICT:	6
PLANNING COMMISSION DATE:	March 22, 2011
PREPARED BY:	Adam Ochoa, Planner
STAFF RECOMMENDATION:	Approval

PROPERTY INFORMATION

Address/Location: The east side of Telshor Boulevard, 2,155 +/- feet south of its intersection with Summit Court; Parcel ID#s 02-17441 & 02-18474.

Acreage: 1.995 +/- combined

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Undeveloped

Proposed Zoning: C-3 (Commercial High Intensity)

Proposed Land Use: A Polaris, Stihl and Honda power equipment dealer

Is the subject property located within an overlay district? Yes ☐ No ☒
If yes which overlay district?

Table 1: Site Analysis

Existing Conditions	
Square Footage Proposed	N/A
Current Lot Size	Two (2) existing Tracts: Tract B-1 encompasses 0.995 +/- acres and Tract B-2 encompasses 1 +/- acres.
Current Lot Depth/Width	Tract B-1 measures 95 +/- feet in width and 366 +/- feet in depth. Tract B-2 measures 90 +/- feet in width and 380 +/- feet in depth.
Existing Building Height	N/A
Development Standards for Existing Zoning of C-2	
Minimum Lot Size	10,00 square feet
Maximum Lot Size	43,560 square feet
Minimum Lot Depth/ Width	70-feet/60-feet
Maximum Building Height	45-feet
Development Standards for Proposed Zoning of C-3	
Minimum Lot Size	21,780 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70-feet/60-feet
Maximum Building Height	60-feet

PHASING

Is phasing proposed? Yes ☐ No ☒

If yes, how many phases?

Timeframe for implementation:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Properties		Undeveloped/ Vacant	C-2	Commercial Medium Intensity
Surrounding Properties	North	Undeveloped/ Vacant	C-3C	Commercial High Intensity-Conditional
	South	Undeveloped/ Vacant	C-2	Commercial Medium Intensity
	East	Las Cruces Flood Control Dam	A-1	Flood Control District from the 1981 Zoning Code
	West	Telshor Boulevard/ Interstate 25		

HISTORY

Previous applications? Yes ☐ No ☒

If yes, please explain:

Previous ordinance numbers?

Previous uses if applicable:

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Objective 5, Policy 5.3

Analysis: The proposal is to convert the two (2) existing tracts of land from C-2 to C-3 for the purpose of replatting the existing tracts into one (1) new lot that would exceed the 1-acre maximum lot size allowed in the C-2 zoning district. The conversion will allow the newly replatted parcel to comply with the 2001 Zoning Code, as amended. The subject properties are located on a Principal Arterial roadway (Telshor Boulevard) that will be able to support a high intensity commercial use. The subject properties are adjacent to similarly zoned properties making compatibility not an issue. Recommendation of approval.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

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

Type of building occupancy: Unknown

Nearest Fire Station
Distance: 1.40 +/- miles
Address: 2750 Northrise Drive
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐

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: Zone X

Development Improvements: Future development will be required to comply with CLC Design Standards

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

Additional Comments: Recommendation of approval.

MPO

Road classifications: Telshor Blvd is designated a Principal Arterial at this location.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 0.40 +/- miles north at the intersection of Telshor Boulevard and Summit Court.

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

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

Traffic Engineering:

Is development adjacent to a State Highway System? Yes ☐ No ☒ N/A ☐

If yes, please specify the reviewing comments by the New Mexico Department of Transportation:

Are road improvements necessary? Yes ☐ No ☒ N/A ☐

If yes, please explain:

Was a TIA required? Yes ☐ No ☒ N/A ☐

If yes, summarize the findings:

Did City of Las Cruces Traffic Engineer Require a TIA? No.

The proposed use ***will*** ☐ or ***will not*** ☒ adversely affect the surrounding road network.

Site Accessibility

Adequate driving aisle	Yes ☐ No ☐ N/A ☒
Adequate curb cut	Yes ☐ No ☐ N/A ☒
Intersection sight problems	Yes ☐ No ☒ N/A ☐
Off-street parking problems	Yes ☐ No ☐ N/A ☒

On-Street Parking Impacts

None ☒ Low ☐ Medium ☐ High ☐ N/A ☐

Explain: On-street parking is not permitting along this section of Telshor Blvd.

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

Additional Comments: Recommendation of approval.

Water Availability and Capacity:
Source of water: CLC ☒ Other:
CLC water system capable of handling increased usage? Yes ☒ No ☐ N/A ☐
If no, is additional service available? Yes ☐ No ☐ N/A ☐

Additional Comments: Fire flow should be checked. Recommendation of approval.

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 ☒

Public Schools

Nearest Schools:

1. Elementary: Loma Heights Elementary — Distance (miles): 0.78 +/- miles
   Enrollment: 464
2. Middle School: Sierra Middle School — Distance (miles): 0.69 +/- miles
   Enrollment: 864
3. High School: Mayfield High School — Distance (miles): 2.7 +/- miles
   Enrollment: 2298

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

Explain: No residential development is being proposed, therefore there should be no impact on public schools.

DESIGN STANDARDS ANALYSIS

Parking

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

If yes, how many parking spaces presently exist? How many are accessible?

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

If yes, how many parking spaces will be required? Determined at time of permitting
How many accessible? Also determined at the time of permitting

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

If yes, describe:

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

Comments: At the time of building permit when the lot is developed, the subject property shall comply with all parking requirements of the 2001 Zoning Code, as amended. The proposed use will be required to provide one (1) auto parking stall for every 300-500 square feet of gross floor area and 1 bicycle parking space for every 6,000 square feet of gross floor area.

Landscaping and Buffering

Is there existing landscaping on the subject property? Yes ☐ No ☒ N/A ☐

If yes, is the landscaping adequate to serve the proposed use? Yes ☐ No ☐

If no, what landscaping will be required? A minimum area equal to 15% of the total parking area shall be landscaped.

Are there existing buffers on the subject property? Yes ☐ No ☒ N/A ☐

If yes, are the buffers adequate to serve the proposed use? Yes ☐ No ☐

If no, what additional buffering will be required? Adjacent properties are commercially zoned. No additional buffering will be required. Future development will be required to follow regular setback requirements of the C-3 zoning district.

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:

Are open space areas, parks or trails a requirement of the proposed use?
Yes ☐ No ☒ N/A ☐

Are open space areas, parks or trails being proposed? Yes ☐ No ☒ N/A ☐

Explain: There are no requirements of open space, parks, recreation, or trails for the proposed zone change.

Table 3: Special Characteristics

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

Table 4: Project Chronology

Date	Action
February 10, 2011	Application submitted to Development Services
February 16, 2011	Case sent out for review to all reviewing departments
February 25, 2011	All comments returned by all reviewing departments
February 15, 2011	Staff reviews and recommends approval of the zone change
March 6, 2011	Newspaper advertisement
March 11, 2011	Public notice letter mailed to neighboring property owners
March 13, 2011	Sign posted on property
March 22, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. The proposed zone change is supported by the 1999 Comprehensive Plan and also fits the character and integrity of the existing surrounding area. The two (2) existing tracts are being proposed to be replatted into one (1) new lot that will exceed the maximum lot size permitted in the C-2 (Commercial Medium Intensity) zoning district of one acre. The proposed zone change to C-3 (Commercial High Intensity) would make the newly replatted lot compliant with the 2001 Zoning Code, as amended.

FINDINGS

1. The two (2) subject tracts of land encompass a combined 1.995 +/- acres: Tract B-1 encompasses 0.995 +/- acres and Tract B-2 encompasses 1 +/- acres.

2. The subject properties are currently zoned C-2 (Commercial Medium Intensity) and are currently undeveloped.

3. The subject properties are located on Telshor Boulevard, a Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO).

4. The applicant is proposing to replat the two (2) existing tracts of land into one (1) new lot where a new business is being proposed to be developed.

5. The proposed zone change will make the newly replatted lot compliant with the 2001 Zoning Code, as amended.

STAFF RECOMMENDATION

Staff has reviewed this proposed zone change and based on the preceding findings recommends approval without conditions.

DRC RECOMMENDATION

N/A

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Comprehensive Plan Elements and Policies
4. Aerial Map
5. Vicinity Map

ATTACHMENT #1

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

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

Applicant Information

Name of Applicant: Northstar Properties, LLC

Contact Person: Steve Bradee, Borderland Engineers & Surveyors, LLC

Contact Phone Number: 522-1443

Contact e-mail Address: sbradee@zianet.com

Web site address (if applicable): _____

Proposal Information

Location of Subject Property 2100+/- N. Telshor (Vacant Land in front of L.C. Dam)

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: C2

Proposed Zoning: C3 (due to lot size being > 1AC)

Acreage of Subject Property: 1.995 AC

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

A new Polaris, Stihl & Honda power equipment dealer. See website for info:
www.thepowercenter.com

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

TBD

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

Most likely 8am - 5pm

Anticipated traffic generation TBD trips per day (if known).

Anticipated development schedule: Work will commence on or about TBD - Soon

and will take approximately 6 months to complete.

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

On lot ponding is anticipated

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:

TBD - Studio D Architects has been retained to carry out the site design.

Attachments

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

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

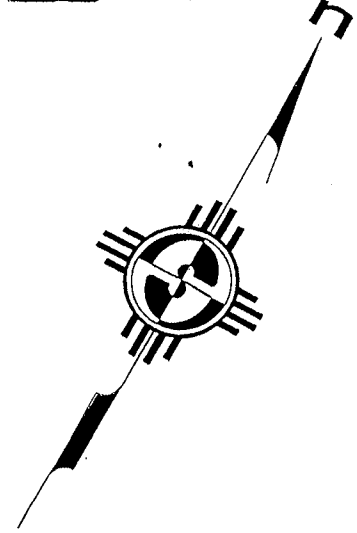
Other pertinent information*

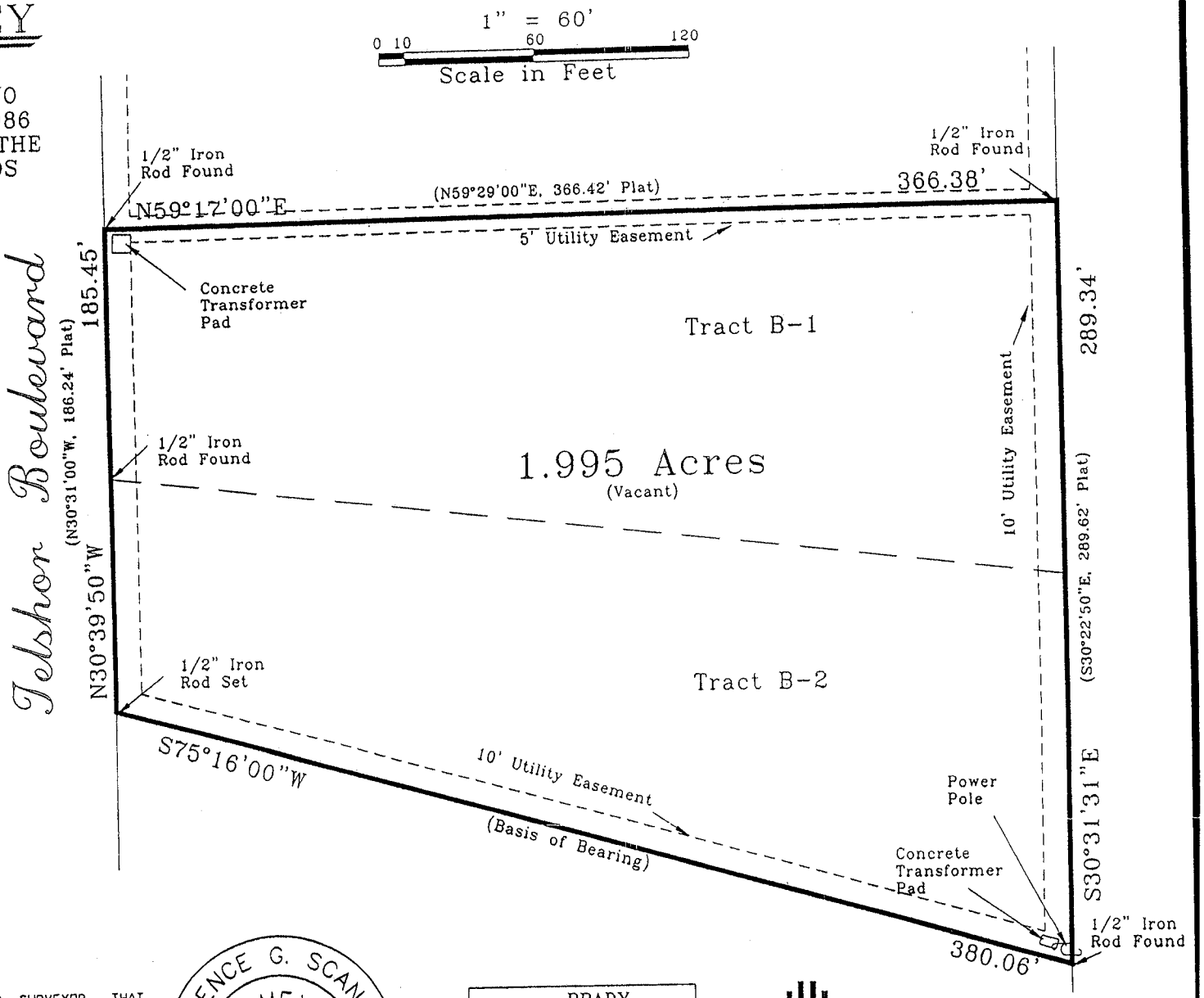
ATTACHMENT #2

PLAT OF SURVEY

TRACTS B-1 AND B-2
NEW STATE REPLAT NO. TWO
PLAT FILED JANUARY 21, 1986
IN BOOK 14, PAGE 134, OF THE
DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES
DONA ANA COUNTY
NEW MEXICO

Boundary of Rezone from C2 → C3 due to Lot Size of 1.995 AC.
Legal ⇒ Tracts B-1 & B-2





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APRIL 13, 2006
DATE OF SURVEY

TED G. SCANLON - PS NO. 9433
540 N. WATER STREET, LAS CRUCES, NM 88001

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DRAWN BY:	BRADY
FIELD BY:	T. ESCALANTE
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PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0632 F, EFFECTIVE SEPTEMBER 6, 1995.

scanlon white inc.
3780 Foothills, Suite C
Las Cruces, New Mexico 88011
Phone: (505) 525-2112
Fax: (505) 525-1226

ATTACHMENT #3

Comprehensive Plan Elements and Policies:

Land Use Element, Goal 1 (Land Uses)

Policy 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

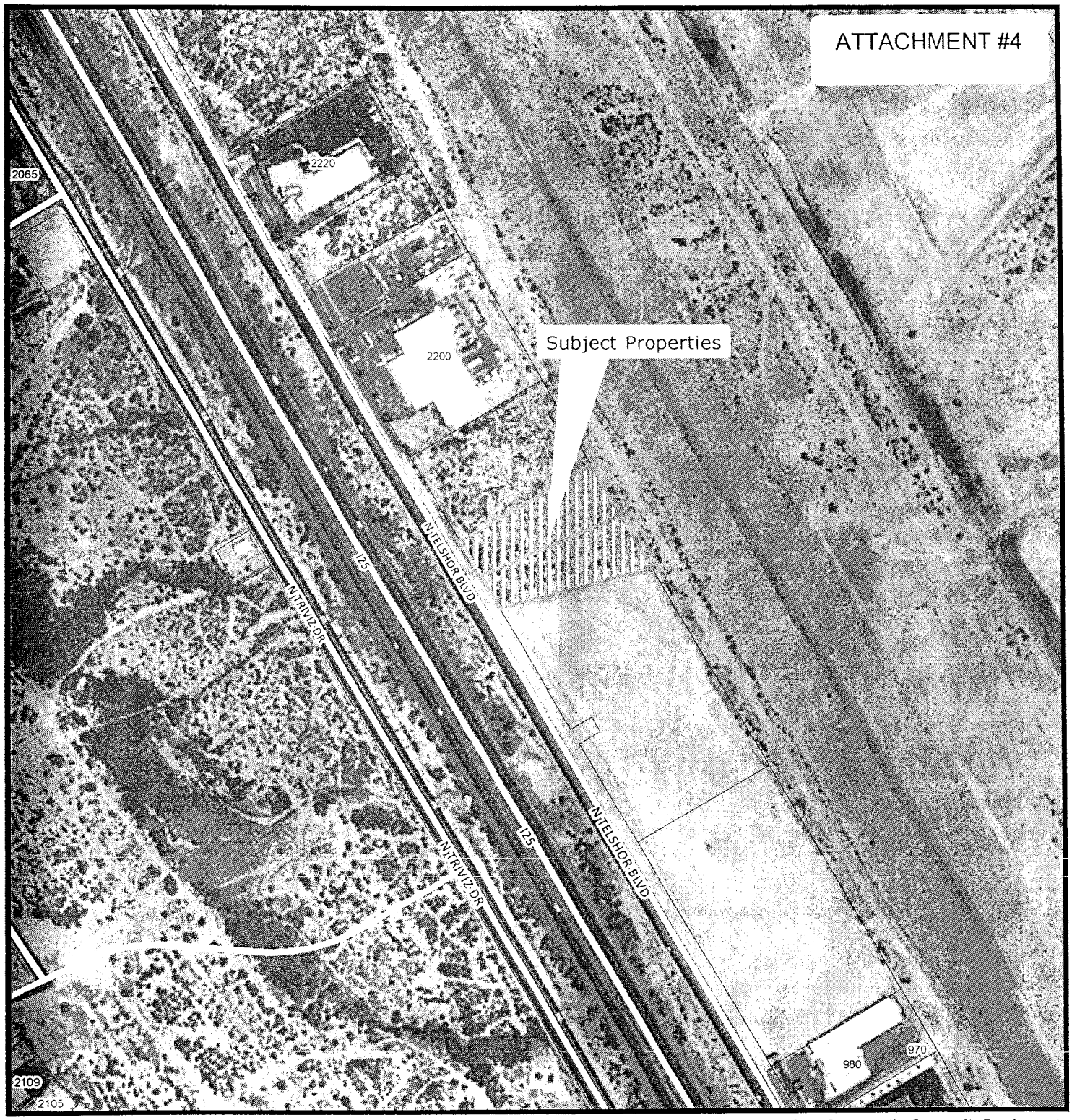
h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

ZONING: C-2 TO C-3
OWNER: NORTHSTAR PROPER..ES, LLC
C/O THE PWER CENTER INC

Aerial View

DATE: 3/09/2011
PARCEL: 02-17441 &
02-18474

ATTACHMENT #4



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Legend

- City Parcel
- EBID Water System
- Arroyo
- Interstates_Highway
- Railroad
- Rio Grande

150 75 0 150 300 450 600
Feet

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

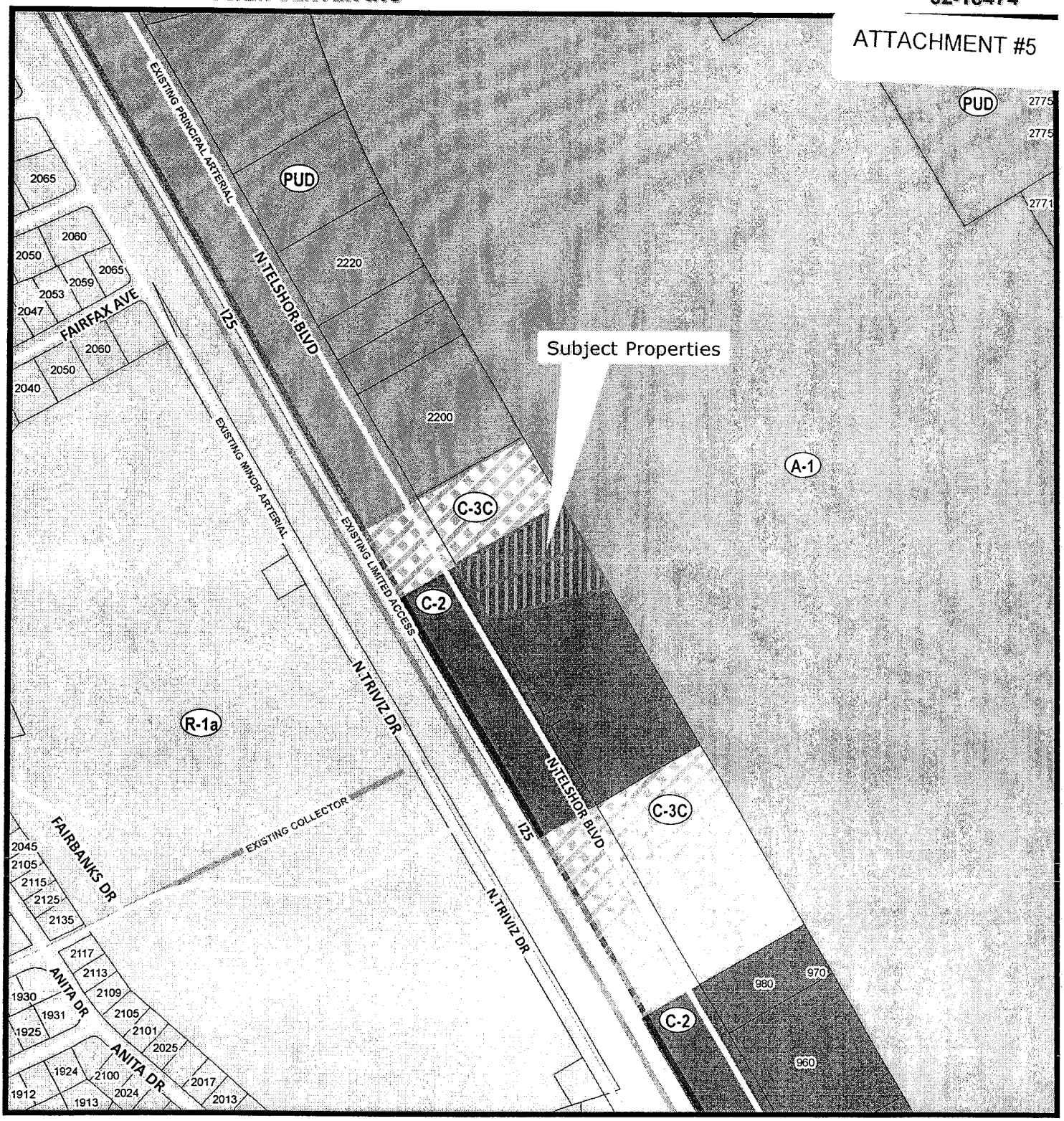
ZONING: C-2 TO C-3

OWNER: NORTHSTAR PROPER..ES, LLC
C/O THE PWER CENTER INC

Location Vicinity Map

DATE: 3/09/2011
PARCEL: 02-17441 & 02-18474

ATTACHMENT #5



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Legend

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- City Parcels
- EBID Water System
- Arroyo

150 75 0 150 300 450 600 750 Feet

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ATTACHMENT B

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 22, 2011 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member

BOARD MEMBERS ABSENT:
William Stowe, Member
Shawn Evans, Member
Donald Bustos, Member

STAFF PRESENT:
Cheryl Rodriguez, Development Services Administrator
Ellie Cain, Senior Planner
Jennifer Robertson, Planner
Adam Ochoa, Planner
Helen Revels, Associate Planner
Mark Dubbin, Fire Department
Jared Abrams, CLC Legal Staff
Lora Dunlap, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Planning and Zoning Commission for March 22, 2011. My name is Charlie Scholz, I'm the Chair. Before we begin, I always introduce the members of the Commission. We have a quorum tonight; four members. On my right, far right is Commissioner Shipley; he's the Mayor's Appointee. Next to him is Commissioner Crane. Commissioner Crane represents Council District 4; he's also our Vice Chair. Next to him is Commissioner Beard and Commissioner Beard represents District 2 and he is our Secretary and I represent Council District 6.

II. APPROVAL OF MINUTES – February 22, 2011

Scholz: The first item of business is always the approval of the minutes of the previous meeting; that'll be February 22, 2011. Gentlemen, any additions or corrections to the minutes? Commissioner Shipley.

Scholz: And the Chair votes aye for findings, discussions and site visit. Alright, that's approved.

V. WITHDRAWALS - None

VI. CONSENT AGENDA

1. **Case Z2830:** Application of Doctors Conniff & Gormley Pediatric Dentistry PC to rezone a 1.27 ± acre lots from O-1 (Office, Neighborhood – Limited Retail Service) to O-2 (Office, Professional – Limited Retail Service). The Zone Change Request will bring the subject properties into compliance with the 2001 Zoning Code. The subject property is located on the northeast corner of Missouri Avenue and Ridgemont Drive; a.k.a. address 2701 Missouri Avenue, Suite A, B, C; Parcel ID# 02-15396 and 02-23950; Proposed Use: Medical offices; Council District 6.

2. **Case Z2832:** Application of Steve Bradee of Borderland Engineers and Surveyors, LLC on behalf of Northstar Properties, LLC C/O The Power Center Inc. to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on two (2) distinct tracts of land encompassing a combined 1.995 +/- acres located on the east side of Telshor Boulevard, 2,155 +/- feet south of its intersection with Summit Court; Parcel ID# 02-17441 & 02-18474; Proposed Use: Proposing to replat the two (2) existing lots into one (1) new lot to develop a new power equipment dealership. Council District 6.

Scholz: Okay, our next two items are on what is called the consent agenda and here is how the consent agenda works. We take one vote up or down from the Commission to approve these items. If anyone in the public wants to speak to them, or if any staff members or any commissioners want to speak to them, then we take those items off the consent agenda and move them to the first order of new business.

Anybody want to speak to Z2830? Do I see a hand out there? No? Okay, how about Z2832? Alright, I'll entertain a motion to accept the consent agenda.

Beard: So moved.

Scholz: Okay, Beard moves.

Crane: Second it.

Scholz: All those in favor, say aye.

All Commissioners: Aye.

Scholz: Those opposed same sign. Alright, the consent agenda is passed.

VII. NEW BUSINESS

1. **Case A1709:** Application of Charlie Gomez of Mimco, Inc. on behalf of Mesilla Valley Business Partners, LLC, to vary from the minimum required length of a stacking lane for a drive-thru on two (2) tracts of land encompassing 1.73± acres located at the east side of Main Street, 200 feet north of its intersection with Madrid Street; a.k.a. 2300 N. Main Street; Parcel ID#: 02-04320 & 02-4300; Proposed Use: The creation of a stacking lane for a drive-thru. Council District 6.

Scholz: Alright, that brings us to new business and Mr. Ochoa you are the presenter of new business today.

Ochoa: Good evening gentlemen; Adam Ochoa, Development Services for the record. Last case we have tonight is Case A1709. It is a request for a variance to the minimum required length of a stacking lane for property located at 2300 North Main Street. Here you can see the vicinity map of the subject property highlighted in the striped light blue; the two properties right here which have frontage on Main Street and Madrid Avenue. Code requirements you're looking at tonight is under the 2001 Zoning Code, under Article 4, Section 38-58H; this basically stipulates all stacking lane requirements. The minimum stacking lane requirements are as follows: Length required is 100-feet and that is what we're looking at for tonight and width requirement would be 10-feet except nine feet of drivable area at the point-of-service. The measurement of length of a stacking lane begins at the middle of the last point of service and ends at the point of entry of the stacking lane. A stacking lane shall be designed in a manner that permits appropriate traffic circulation and avoids congestion in the parking area; that is stated in the 2001 Zoning Code.

Here is kind of an illustration of what we are talking about; as you can see here showing the minimum 100-foot length and 10-foot width. Like I said, again a stacking lane shall be designed in a manner that permits appropriate traffic circulation and avoids congestion in the parking area.

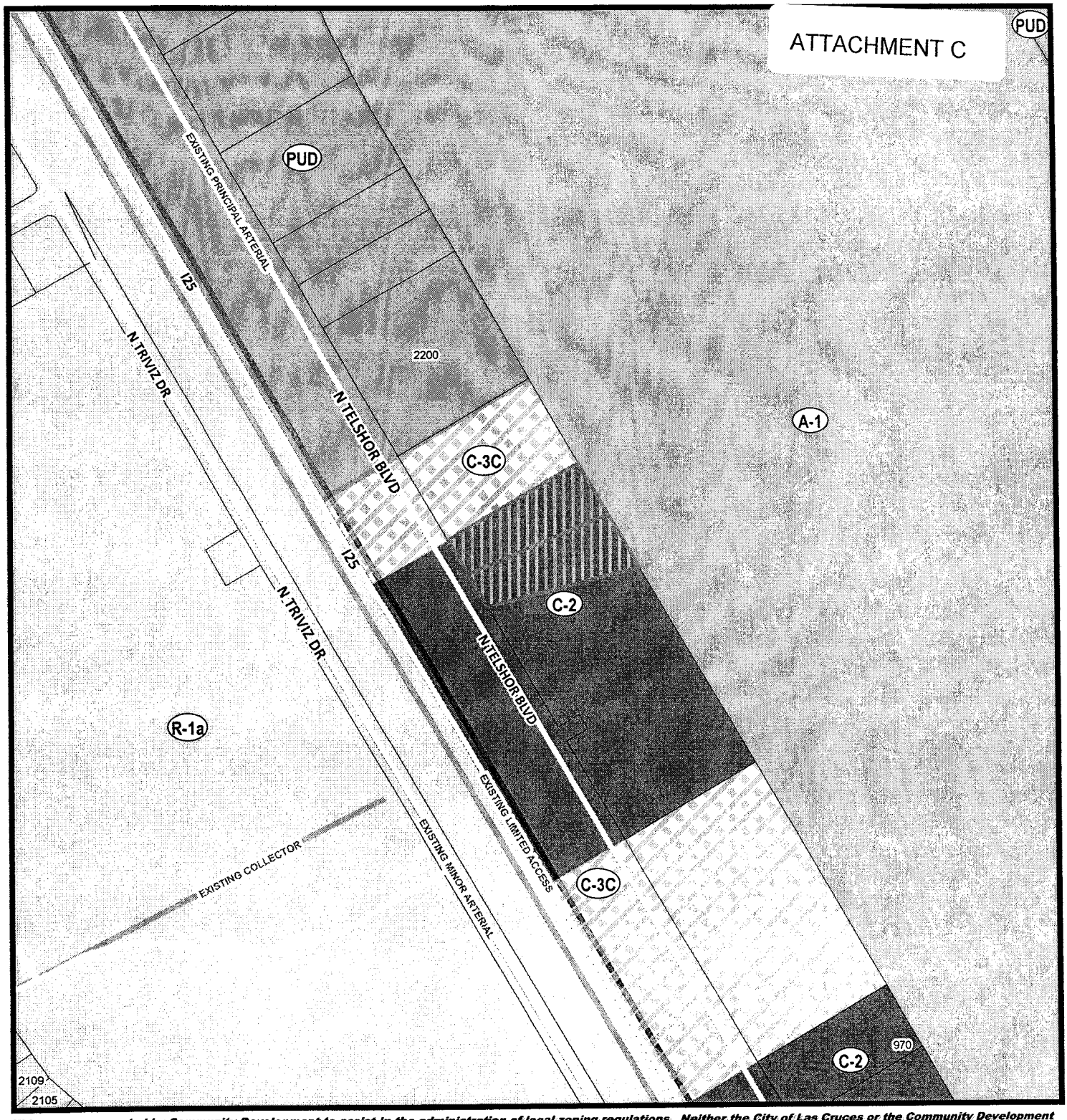
Some case specifics are the subject properties currently encompass a total of 1.73 acres. They are currently zoned C-3, Commercial High Intensity and are currently a shopping center. The applicant is proposing to utilize a stacking lane for a drive-thru for an existing restaurant in the shopping center. The applicant is proposing to install an 89-foot long stacking lane along the southern face of the building along Madrid Street. Like I said, it's the southern-most part of the subject property along Madrid Street where the restaurant is

ZONING: C-2 TO C-3
OWNER: NORTHSTAR PROPERTIES, LLC
C/O THE POWER CENTER INC

Location Vicinity Map

DATE: 3/29/2011
PARCEL: 02-17441 & 02-18474

ATTACHMENT C



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