

366

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9

Ordinance/Resolution# 2614

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 R-1A (SINGLE-FAMILY MEDIUM DENSITY) FOR 0.94 ± ACRES AND TO C-3 (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 4.26 ± ACRES OF LAND LOCATED AT 5195 BATAAN MEMORIAL WEST. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS, LLC FOR TROY AND CECILIA PITCHER, PROPERTY OWNERS (Z2828).

PURPOSE(S) OF ACTION:

A zone change request to bring the subject property into compliance with the 2001 Zoning Code, as amended to allow for the existing non-conforming residential use to be brought into compliance and be subdivided into a separate tract, leaving the remaining property to be redeveloped with unspecified C-3 uses.

| | | |
|--|--|---|
| COUNCIL DISTRICT: 5 | | |
| <u>Drafter/Staff Contact:</u> Helen Revels | <u>Department/Section:</u> Community Development | <u>Phone:</u> 528-3085 |
| <u>City Manager Signature:</u> | |  |

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The subject property is located on the north side of Bataan Memorial West and approximately 1,000 ± feet east of its intersection with Mesa Grande Drive; the property also has frontage on Cortez Drive. The subject property is currently developed with a single-family residential structure and accessory structure accessed from Cortez Drive. There is one commercial building being used as a pizzeria and two additional vacant commercial buildings totaling 4,913± sq. ft. that are accessed from Bataan Memorial West.

The owner proposes to replat the existing lot into two lots; a 0.94± acre tract for the single family residential use and a 4.26± acre tract for unspecified commercial redevelopment. If the zone change is approved, all new development would be required to follow all R-1a or C-3 development standards and all other applicable City development codes.

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 subject property is situated between a local roadway (Cortez Drive) and a Minor Arterial roadway (Bataan Memorial

West). High intensity commercial uses are encouraged along the frontage of Bataan Memorial West and urban residential uses are also encouraged by the Comprehensive Plan. 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 conditional approval for the zone change request by a vote of 4-0-0 (three Commissioners absent). The conditions are stipulated as follows: (1) A development application shall be submitted, approved and recorded for the replatting of the subject property into two lots; the developer shall also comply with any road improvements and/or ROW dedication required by this process; (2) No access shall be permitted off Cortez Dr. for the proposed C-3 property; (3) The developer shall comply with all requirements of the 2001 Zoning Code, as amended, including buffering between the C-3 and R-1a properties; and (4) All new utilities shall be place underground. No public comments were received.

SUPPORT INFORMATION:

1. Ordinance
2. Exhibit "A" – Site Plan
3. Exhibit "B" – Findings and Comprehensive Plan Analysis
4. Attachment "A" – Staff Report to the Planning and Zoning Commission for Case Z2828
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? N/A | Yes | <input type="checkbox"/> | See fund summary below |
| | No | <input type="checkbox"/> | If No, then check one below: |
| | <i>Budget Adjustment Attached</i> | <input type="checkbox"/> | Expense reallocated from: _____ |
| | | <input type="checkbox"/> | Proposed funding is from a new revenue source (i.e. grant; see details below) |
| | | <input type="checkbox"/> | Proposed funding is from fund balance in the Fund. |
| Does this action create any revenue? N/A | Yes | <input type="checkbox"/> | Funds will be deposited into this fund: in the amount of \$ _____ for FY ____. |
| | No | <input type="checkbox"/> | 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 subject property located at 5195 Bataan Memorial West, with a combined area of 5.21 ± acres, will be rezoned from C-2 (Commercial Medium Intensity) to R-1a (Single-Family Medium Density) for 0.94 ± acres and to C-3 (Commercial High Intensity-Conditional) for 4.26 ± acres. The zone change facilitates zoning 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 subject property located at 5195 Bataan Memorial West. The subject property will be legal non-conforming. Any future expansion or structural modification on the subject property will be limited to less than 10% of the total gross floor area of the existing buildings.
3. Vote to "Amend" and vote "Yes"; 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. Ordinance No. 701

COUNCIL BILL NO. 11-034
ORDINANCE NO. 2614

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO R-1A (SINGLE-FAMILY MEDIUM DENSITY) FOR 0.94 ± ACRES AND TO C-3 (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 4.26 ± ACRES OF LAND LOCATED AT 5195 BATAAN MEMORIAL WEST. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS, LLC FOR TROY AND CECILIA PITCHER, PROPERTY OWNERS (Z2828).

The City Council is informed that:

WHEREAS, Troy and Cecilia Pitcher, the property owners, have submitted a request for a zone change from C-2 (Commercial Medium Intensity) to R-1a (Single-Family Medium Density) for 0.94 ± acres and C-3 (Commercial High Intensity-Conditional) for 4.26 ± acres for the property located at 5195 Bataan Memorial West; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 22, 2011, recommended that said zone change request be conditionally 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 R-1a (Single-Family Medium Density) for 0.94 ± acres and C-3 (Commercial High Intensity-Conditional) for 4.26 ± acres for the property located at 5195 Bataan Memorial West.

(II)

THAT the conditions be stipulated as follows:

- A development application shall be submitted, approved and recorded for the replatting of the subject property into two lots; the developer shall also comply with any road improvements and/or ROW dedication required by this process;
- No access shall be permitted off Cortez Dr. for the proposed C-3 property;
- The developer shall comply with all requirements of the 2001 Zoning Code, as amended, including buffering between the C-3 and R-1a properties;
- All new utilities shall be placed underground.

(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:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

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

Moved by: _____

Seconded by: _____

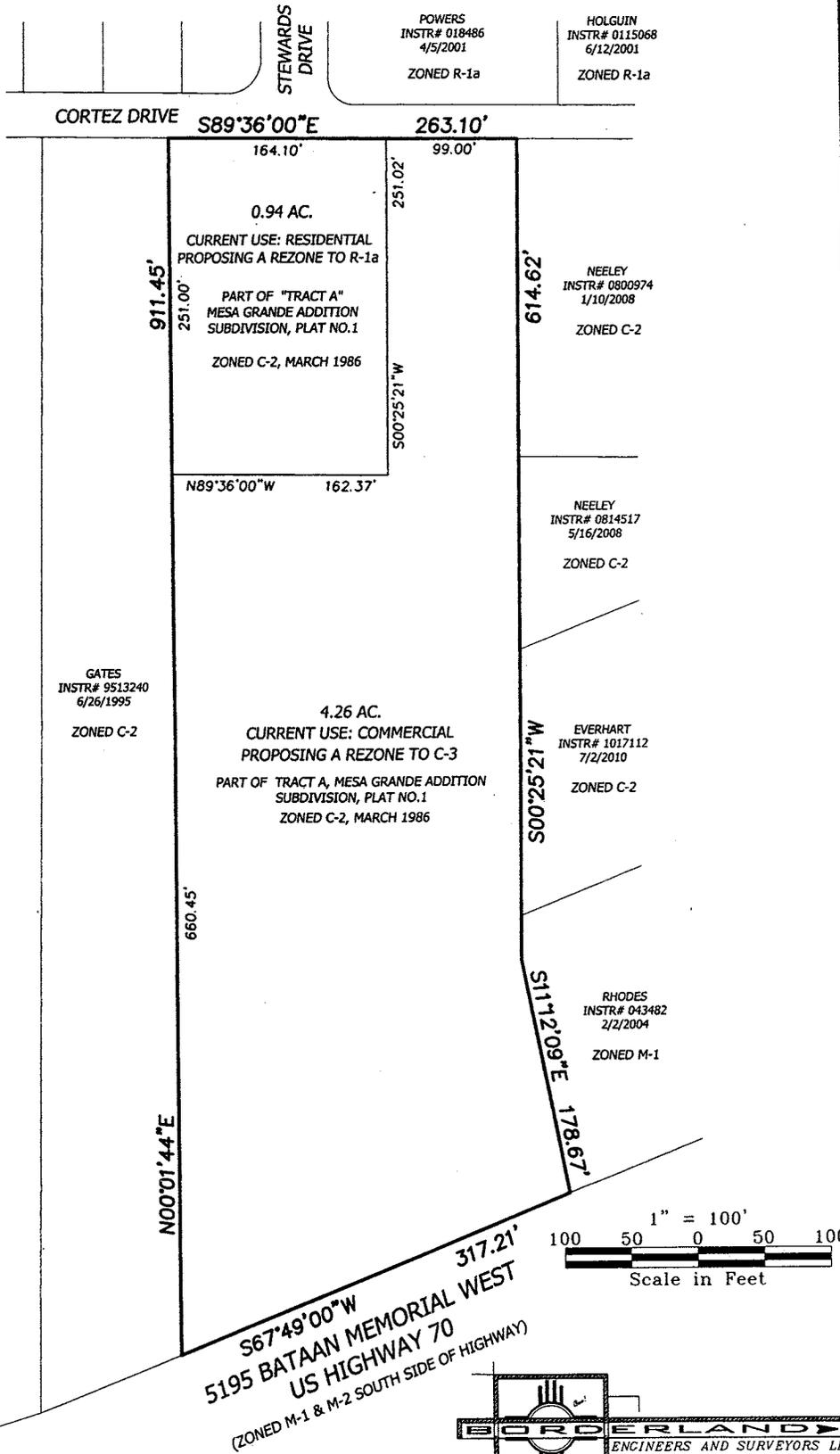
APPROVED AS TO FORM:



City Attorney

PITCHER REZONE

PROPOSED REZONE OF A 5.203 ACRE TRACT
 BEING TRACT A, MESA GRANDE ADDITION SUBDIVISION, PLAT NO.1
 FILED JULY 26, 1988 IN BOOK 15, PAGE 269
 OF THE DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 MARCH 2011



POWERS
 INSTR# 018486
 4/5/2001

HOLGUIN
 INSTR# 0115068
 6/12/2001

ZONED R-1a

ZONED R-1a

CORTEZ DRIVE **S89°36'00"E** 263.10'

164.10' 99.00'

0.94 AC.
 CURRENT USE: RESIDENTIAL
 PROPOSING A REZONE TO R-1a

PART OF "TRACT A"
 MESA GRANDE ADDITION
 SUBDIVISION, PLAT NO.1
 ZONED C-2, MARCH 1986

NEELEY
 INSTR# 0800974
 1/10/2008
 ZONED C-2

NEELEY
 INSTR# 0814517
 5/16/2008
 ZONED C-2

4.26 AC.
 CURRENT USE: COMMERCIAL
 PROPOSING A REZONE TO C-3
 PART OF TRACT A, MESA GRANDE ADDITION
 SUBDIVISION, PLAT NO.1
 ZONED C-2, MARCH 1986

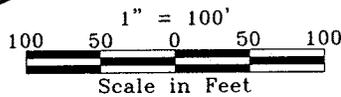
EVERHART
 INSTR# 1017112
 7/2/2010
 ZONED C-2

RHODES
 INSTR# 043482
 2/2/2004
 ZONED M-1

GATES
 INSTR# 9513240
 6/26/1995

ZONED C-2

ZONED C-2



S67°49'00"W 317.21'
5195 BATAAN MEMORIAL WEST
US HIGHWAY 70
 (ZONED M-1 & M-2 SOUTH SIDE OF HIGHWAY)

BORDERLAND
 ENGINEERS AND SURVEYORS LLC
 2540 N. TELSHOR BLVD. STE B
 Las Cruces, New Mexico 88011
 Phone: (575) 522-1443
 Fax: (575) 522-9958

Z2828 FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property is located between Bataan Memorial West and Cortez Drive; a.k.a. address 5195 Bataan Memorial West; Parcel Id# 02-19666 and encompasses 5.21 +/- acres. The property is presently used for single-family use, a pizzeria, and two vacant commercial buildings formerly used for auto sales.
2. The zone change request from C-2 (Commercial Medium Intensity) to R-1a (Single-Family Medium Density) and C-3 (Commercial High Intensity) would bring the subject property into compliance with the 2001 Zoning Code, as amended.
3. A replat will be required to create two separate distinct lots on the subject property.
4. The rezoning request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

Land Use Element (Residential Uses) Goal 1

Nowhere in our City is citizen pride and community involvement seen more clearly than in our urban neighborhoods. Our neighborhoods are identified by distinct combinations of geography, culture, lifestyles, and architecture reflecting our Southwestern heritage. Neighborhoods such as Old Town, Alameda-Depot, Country Club, Loma Heights, Telshor, and Las Alturas reflect the rich diversity of our community and the true quality of life to be found in Las Cruces. Policy shall be established to preserve our existing urban neighborhoods, and to insure that new neighborhoods are designed to create distinct areas for urban residential living.

Rural residential areas are typically found on the outer rim of the urban area, in many cases delineating City limit borders. In rural areas, citizens find inexpensive living opportunities, engage in agricultural and/or ranching activities, or simply enjoy the openness of the rural environment. Overall, the City values rural areas for their open space and clear views to the surrounding mountains and mesas, as well as for their cultural heritage and economic viability in agriculture and ranching. Policies shall be established to maintain and enhance rural residential living.

Objective 3:

Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

- Policy 1.3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- Policy 1.3.3 An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small-urbanized lots (such as 3,500 square feet parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.

Policy 1.3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

Policy 1.3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

Policy 1.3.14 The City shall encourage urban residential development on the East Mesa.

Land Use Element (Commercial Uses) Goal 1

The history of Las Cruces shows the development of the City's street network in a north/south orientation. With few major east/west roads to create major intersections, commercial corridors became the only feasible way to meet the retail and service needs of our quickly growing City. Main, Solano, El Paseo, Lohman/Amador, and Picacho are the City's main commercial corridors. Policies to discourage commercial corridor patterns were not established until the adoption of the 1985 City Comprehensive Plan. By this time, commercial corridors were well established in the City.

Previous land use policy emphasized commercial node or center development patterns, discouraged strip commercial patterns, directed new commercial development to existing commercial areas, and promoted neighborhood commercial uses. While much of the contemporary commercial development has developed according to these policies, the City's commercial corridor patterns have been sustained by directing new commercial development to these existing commercial areas. The creation of new commercial land use policy, based on geography and population and with a higher degree of distinction of land uses and development standards, will better serve the commercial needs of the City. Such policy will allow greater discretion in the application of commercial zoning based on existing and expected future demand.

Commercial development should take the form of nodes or centers wherever possible. Further strip commercial development should be discouraged, particularly in neighborhood areas. However, in the absence of major intersections and/or large lots, corridor or strip patterns, if properly designed, may be maintained in order to provide needed services to an area.

Commercial business zoning shall be categorized based on use, intensity, scale, and compatibility with its environment. In addition, those commercial uses less intensive in use may be placed in categories of higher intensity to encourage multi-use commercial nodes or centers.

Objective 5:

Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

Policy 5.3.1

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.

Urban Design (Design) Goal 3

Maintain sensitivity to the City's image through the careful application of aesthetic and environmental guidelines of its neighborhoods and districts.

Objective 9:

Enhance our community's natural environment, physical environment, and character through quality design.

- Policy 3.9.4 Encourage creative site planning for all new development and redevelopment.
- a. The topography and slope of a site should be maintained in its natural state.
 - b. Encourage a balance between open space and development.
 - c. Encourage variation in setbacks and structure spacing as a means of avoiding monotony and unity.

Objective 10:

Instill compatibility, function and practicality in and between new and existing development by establishing development guidelines to ensure quality site design.

- Policy 3.10.5 Support a policy of mixed land uses as discussed in the Land Use Element. Land uses which are not traditionally considered compatible may be located next to one another depending upon design features and compatibility with the adjacent area as a result of a mixed land use policy. Those uses with lower intensities must be protected from any negative impacts from adjacent uses with higher intensities in order to protect a desirable quality of life within the City.
- a. Land uses which differ from adjacent land uses, found in Matrix 1, should be required to follow the distance and landscaping requirement also found in Matrix 1. The prescribed distance between uses is a non-buildable area and must be landscaped accordingly.
 - b. Mitigation techniques (as found in Matrix 2) should be employed to avoid any possible problems between differing land uses located adjacent to or near one another. Possible mitigation techniques shall include but not be limited to those examples found in Matrix 1 and 2.
 - i. New development should be compatible with the architectural style in the surrounding area.
 - ii. New development should respect building height, scale, bulk and setbacks found in the surrounding area.
 - iii. Any high intensity use locating adjacent to a lower intensity use should be oriented and designed in a sensitive manner. Development which is/are located adjacent to public streets should also be oriented and designed in a sensitive manner.

- (1) Place parking areas away from adjacent residential uses when appropriate. All parking areas should use landscaping and distance techniques to buffer differing uses and when viewed from public streets.
 - (2) Screen delivery areas, loading zones, waste receptacle and pick-up areas, and any outside evidence of plumbing, electrical, and/or mechanical equipment from view by buffers, landscaping, architectural techniques, and other design measures.
 - (3) Landscape blank walls and fences which face streets or adjoining properties to soften their harsh, stark effects or provide pedestrian scale facades on all sides of the building (windows, doors, landscaping, and fine grain detail in materials).
 - (4) Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.
- c. Mitigation techniques and landscaping and distance requirements should be followed when a business registration, zone change, or new construction creates adjacent land uses which differ from one another. The use which is creating the change should mitigate any possible problems between other land uses using the techniques listed below.
- d. Specific landscaping regulations will be found in lower level planning documents.

378



Planning & Zoning
Commission
Staff Report

Date: March 9, 2011

CASE # Z2828

PROJECT NAME: Zone Change Request – C-2 to R-1a and C-3C

APPLICANT: Borderland Engineers & Surveyors

PROPERTY OWNER: Troy and Cecilia Pitcher

REQUEST: To rezone from C-2 (Commercial Medium Intensity) to R-1a (Single-Family Medium Density) and C-3C (Commercial High Intensity with conditions)

PROPOSED USE: Single Family Dwelling and Unspecified Commercial Use

SIZE: 5.21± acres

CURRENT ZONING: C-2 (Commercial Medium Intensity)

LOCATION: Located on the north side of Bataan Memorial West 1,000± east of its intersection with Mesa Grande Drive also having frontage on Cortez Drive; a.k.a. address 5195 Bataan Memorial West; Parcel ID# 02-19666

COUNCIL DISTRICT: 5

PLANNING COMMISSION DATE: March 22, 2011

PREPARED BY: Helen Revels, Associate Planner 

STAFF RECOMMENDATION: Approval with Conditions

PROPERTY INFORMATION

Address/Location: Located on the north side of Bataan Memorial West 1,000± east of its intersection with Mesa Grande Drive also having frontage on Cortez Drive; a.k.a. address 5195 Bataan Memorial West; Parcel ID# 02-19666

Acreage: 5.21± acres

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: The property is presently developed with a single family residential structure and accessory structure on the 0.94± acre tract off Cortez Drive. There is one commercial building being used as a pizzeria and two vacant commercial buildings totaling 4,913± sq. ft. on the 4.26± acre tract fronting along Bataan Memorial West. The vacant commercial buildings were formerly utilized for auto sales.

Proposed Zoning: R-1a (Single-Family Medium Density) and C-3C (Commercial High Intensity with Conditions)

Proposed Land Use: Single Family and Unspecified Commercial Use

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

Table 1: Site Analysis

| Existing Residential – Number of Units | |
|--|--------------------|
| Single-Family Detached | 1 |
| Single-Family Attached | N/A |
| Multi-Family | N/A |
| Total | 1 |
| How Many are Affordable? | 0 |
| Development Standards for Existing Zoning of C-2 (Commercial Medium Intensity) | |
| Minimum Lot Size | 10,000 square feet |
| Maximum Lot Size | 43,560 square feet |
| Minimum Lot Depth/ Width | 70/60 feet |
| Maximum Building Height | 45 feet |
| Development Standards for Proposed Zoning of R-1a (Single-Family Medium Density) | |
| Minimum Lot Size | 5000 |
| Maximum Lot Size | N/A |
| Minimum Lot Depth/ Width | 70/50 feet |
| Maximum Building Height | 35 feet |
| Development Standards for Proposed Zoning of C-3 (Commercial High Intensity) | |
| Minimum Lot Size | 21,780 |
| Maximum Lot Size | N/A |
| Minimum Lot Depth/ Width | 70/60 feet |
| Maximum Building Height | 60 feet |

PHASING

Is phasing proposed? Yes No

If yes, how many phases?

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

| Location | | Existing Use | Zoning District | Zoning Designation |
|---------------------------|-------|---|-----------------|--|
| Subject Property | | Single-Family, Pizzeria, 2 Vacant Commercial Buildings (formerly Auto Sales) | C-2 | Commercial Medium Intensity |
| Surrounding Properties | North | Single-Family | R-1a | Single-Family Medium Density |
| | South | US Highway 70, Commercial Use | M-1/M-2 | Industrial Standard |
| | East | Single-Family, Commercial Use | C-2, M-1/M-2 | Commercial Medium Intensity, Industrial Standard |
| | West | Vacant Undeveloped lot, Single-Family | C-2 | Commercial Medium Intensity |

HISTORY

Previous applications? Yes No

If yes, please explain: An Ordinance Establishing an Initial Zoning of C-2 on a Certain Parcel of Land Located North of Highway 70 and West of Mesa Drive in T22S, R2E, Sec. 23 – approved March 17, 1986.

Previous ordinance numbers? Ordinance 701

Previous uses if applicable: N/A

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element - Residential

1. Goal 1, Policy 1.3.1
2. Goal 1, Policy 1.3.3
3. Goal 1, Policy 1.3.4
4. Goal 1, Policy 1.3.5
5. Goal 1, Policy 1.3.14

Land Use Element – Commercial Use

1. Goal 1, Policy 1.5.3

Urban Design Element

1. Goal 3, Policy 3.9.4
2. Goal 3, Policy 3.10.5

Analysis: This zone change to R-1a for 0.94 acres of the property would bring it into compliance with the 2001 Zoning Code as amended, since there is already a dwelling unit on the property. This is supported by Comprehensive Plan policies and staff has no objections to the proposal.

The remainder of the property is proposed to have C-3 zoning, with propane sales and storage as a potential use. This is an allowed use in C-3 zones, under the condition that the facility be screened from surrounding uses. This is addressed in the various Urban Design policies below.

This isn't necessarily a high-intensity use for the property, but the size of the lot, 4.26 acres, necessitates a C-3 designation rather than C-2.

Subdividing the property to create a flag lot, while not prohibited, is generally not encouraged. While it does provide access to the property from both Bataan Memorial West and Cortez Drive, Cortez is a local roadway and the potential traffic volume created by C-2 or C-3 uses may present a problem. As per policy 5.3.b and 5.3.g below, commercial uses are not to be located on local roadways or be located adjacent to residential areas. If there is to be no access on to Cortez, perhaps the flag configuration is not needed?

Several policies below address the issue of compatibility with different adjacent uses. The proper buffering and landscaping will be essential when the commercial property is developed. Our GIS data base shows a bus stop less than a quarter mile to the west of the property, which is an advantage (policy 5.3.c., below).

In general, comprehensive planning staff is supportive of the proposal. However, since surrounding land uses are mainly C-2, staff recommends that the zone change request be further conditioned that uses be limited to C-2 uses and that the applicant reconsider the flag lot configuration.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

| | low | med | high |
|----------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Accessibility Issues | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Building Accessibility | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Secondary Site/Lot Accessibility | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Fireflow/Hydrant Accessibility | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Type of building occupancy: One single-family residence, one commercial building being used as a pizzeria and two vacant commercial buildings

Nearest Fire Station

Distance: 3,985.44 ± feet

Address: 5998 Bataan Memorial East

Adequate Capacity to Accommodate Proposal? Yes No

Explain: A computer model Fireflow analysis will be required for any new commercial construction.

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, building Code, and /or Fire Code. A computer model Fireflow analysis will be required for any commercial construction. Recommendation of approval.

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone 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"/> |
| NMDOT permit needed | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> | N/A | <input type="checkbox"/> |

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require compliance with City of Las Cruces Flood Zone Ordinance 1933 and City of Las Cruces Design Standards. Recommendation of approval with the following conditions:

1. The property must utilize on-lot ponding. Per Note 5 of the filed plat, excess storm drainage will be retained on each lot.
2. The property is greater than 3 acres and will require a drainage study/report per CLC Design Standards.
3. Sidewalk extension to meet NMDOT specifications is required per CLC Design Standards.

MPO

Road classifications: Bataan Memorial West, Minor Arterial, 100' ROW required, adjacent to the south side of subject property. Cortez Drive, Local, 50' ROW required, adjacent to the north side of subject property.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 0.306 ± miles

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: No comments, to date have been received from NMDOT. At the time of building permit when the lot is developed, any direct access proposed on a State Highway will require an access permit from NMDOT. Access improvements may be required by NMDOT at the time of building permit.

Are road improvements necessary? Yes No N/A

If yes, please explain: When a replat is submitted to subdivide the property into two lots, road improvements and/or ROW dedication will be required for Cortez Drive, a local roadway. The developer/subdivider will be required to provide 100% of improvements to Cortez Drive.

Was a TIA required? Yes No N/A

If yes, summarize the findings:

Did City of Las Cruces Traffic Engineer Require a TIA? A TIA is not required at this time, but will be required when the property is developed.

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 checked="" type="checkbox"/> | N/A | <input 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:

Future Intersection Improvements

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

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

Water Availability and Capacity:

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

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. 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: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. 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: Monte Vista Elementary | Distance (miles): 1.34 ± |
| Enrollment: 386 | |
| 2. Middle School: Mesa Middle School | Distance (miles): 1.37 ± |
| Enrollment: 429 | |
| 3. High School: Onate High School | Distance (miles): 0.208 ± |
| Enrollment: 2,075 | |

Adequate capacity to accommodate proposal? Yes No N/A

Explain: Only one existing single-family residence, 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? Parking calculations are based on land uses; the subject property has unidentified land uses and the number of parking spaces required cannot be determined at this time.

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: When the tract of land with the proposed C-3 zoning is developed, the subject property shall comply with all parking requirements of the 2001 Zoning Code, as amended.

Landscaping and Buffering

Is there existing landscaping on the subject property? Yes No N/A a portion of the tract of land where the existing single family residence is located.

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

If no, what landscaping will be required? When the tract of land with the proposed M-1/M-2 zoning is developed, the subject property shall comply with all landscaping requirements of the 2001 Zoning Code, as amended and any other applicable City of Las Cruces requirements.

Are there existing buffers on the subject property? Yes No N/A an existing six (6) ft. high rock wall around the property.

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

If no, what additional buffering will be required? When the tract of land with the proposed C-2 zoning is developed, the subject property shall comply with the buffer requirements of the 2001 Zoning Code, as amended and any other applicable City of Las Cruces requirements.

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: When the tract of land with the proposed C-2 zoning is developed, the subject property shall comply with the parking requirements of the 2001 Zoning Code, as amended and any other applicable City of Las Cruces requirements.

Table 3: Special Characteristics

| Characteristic | Applies to Project? | Explanation |
|-------------------------------|---------------------|---|
| EBID Facilities | No | N/A |
| Medians/ Parkways Landscaping | Yes | Subject property fronts Bataan Memorial West, a Minor Arterial, upon development the property owner, applicant or subdivider shall comply with the landscaping of medians/parkways along thoroughfares. |

Table 4: Project Chronology

| Date | Action |
|------------|--|
| 12/28/2010 | Application submitted to Development Services |
| 01/21/2011 | Case sent out for review to all reviewing departments |
| 03/03/2011 | All comments returned by all reviewing departments |
| 03/01/2011 | Staff reviews and recommends approval of the zone change |
| 03/06/2011 | Newspaper advertisement |
| 03/10/2011 | Public notice letter mailed to neighboring property owners |
| 02/11/2011 | Sign posted on property |
| 03/22/2011 | Planning and Zoning Commission public hearing |

SUMMARY AND CONCLUSIONS

The proposed zone change will bring this property into compliance with the 2001 City of Las Cruces Zoning Code, as amended. The current zoning designation on the subject property is C-2 (Commercial Medium Intensity). The applicant is proposing to rezone 0.94 + acres of the 5.21 ± acres to R-1a (Single-Family Medium Density) to facilitate the existing single-family use on the property. On the remaining 4.26 ± acres, the applicant is proposing to rezone to C-3 (Commercial High Intensity) for unspecified commercial use.

The subject property shall be replatted to create two distinct lots; one for the existing residential use and the other for the proposed commercial uses. This subdivision process will require 100% roadway improvements and ROW dedication for Cortez Drive, a local roadway. Any new development on the proposed C-3 lot at either the subdivision or building permit process will require conformance to the 2001 City of Las Cruces Zoning Code and any other applicable City of Las Cruces requirements.

Comprehensive planning staff is supportive of the proposal. However, since surrounding land uses are mainly C-2, staff recommends that the zone change request be further conditioned that uses be limited to C-2 uses and that the applicant reconsider the flag lot configuration.

FINDINGS

1. The subject property is located between Bataan Memorial West and Cortez Drive; a.k.a. address 5195 Bataan Memorial West; Parcel Id# 02-19666 and encompasses 5.21 +/- acres. The property is presently used for single-family use, a pizzeria, and two vacant commercial buildings formerly used for auto sales.
2. The zone change request from C-2 (Commercial Medium Intensity) to R-1a (Single-Family Medium Density) and C-3 (Commercial High Intensity) would bring the subject property into compliance with the 2001 Zoning Code, as amended.
3. A replat will be required to create two separate distinct lots on the subject property.
4. The rezoning request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

STAFF RECOMMENDATION

Staff has reviewed the zone change and based on the preceding findings recommends approval with the following conditions:

1. A development application shall be submitted, approved and recorded for the replatting of the subject property into two lots; the developer shall also comply with any road improvements or ROW dedication required by this process.
2. No access shall be permitted off Cortez Dr for the proposed C-3 property.
3. The developer shall comply with all requirements of the 2001 Zoning Code, as amended including buffering between the C-3 and R-1a properties.
4. All new utilities shall be place underground.

DRC RECOMMENDATION

N/A

ATTACHMENTS

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

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

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

Applicant Information

Name of Applicant: Troy Pitcher
 Contact Person: Steve Bradee, Borderland Engineers + Surveyors
 Contact Phone Number: 522-1443
 Contact e-mail Address: sbradee@zianet.com
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property 5195 Bataan Memorial West
 (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: C-2

Proposed Zoning: R-1a + C-3

Acreage of Subject Property: 5.2 AC

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

- Residential Use to be properly zoned for compliance

- Commercial Use to be zoned for compliance.

Proposed Use: Propane refueling station.

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

N/A

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

TBD

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

Anticipated development schedule: Work will commence on or about TBD
and will take approximately _____ to complete.

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

Most likely

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

Attachments

Please attach the following: (* indicates optional item)

Location map w/zoning info

Detailed site plan - N/A

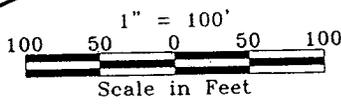
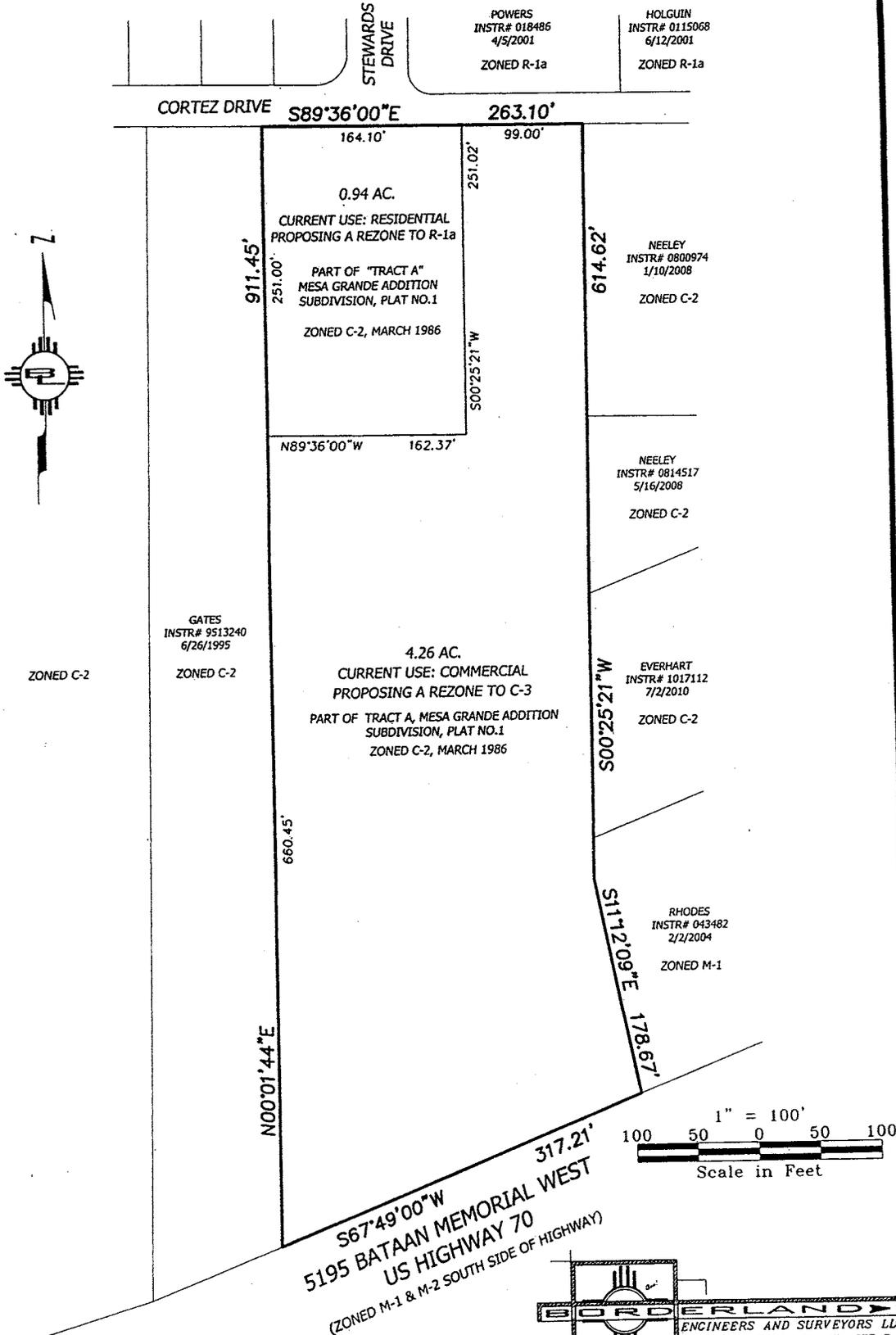
Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information* - Improvement Survey + Rezone Plat + legals.

PITCHER REZONE

PROPOSED REZONE OF A 5.203 ACRE TRACT
 BEING TRACT A, MESA GRANDE ADDITION SUBDIVISION, PLAT NO.1
 FILED JULY 26, 1988 IN BOOK 15, PAGE 269
 OF THE DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 MARCH 2011



BORDERLAND
 ENGINEERS AND SURVEYORS LLC.
 2540 N. TELSHER BLVD. STE B
 Las Cruces, New Mexico 88011
 Phone: (575) 522-1443
 Fax: (575) 522-9958

Z2828 COMP PLAN ANALYSIS

Land Use Element (Residential Uses) Goal 1

Nowhere in our City is citizen pride and community involvement seen more clearly than in our urban neighborhoods. Our neighborhoods are identified by distinct combinations of geography, culture, lifestyles, and architecture reflecting our Southwestern heritage. Neighborhoods such as Old Town, Alameda-Depot, Country Club, Loma Heights, Telshor, and Las Alturas reflect the rich diversity of our community and the true quality of life to be found in Las Cruces. Policy shall be established to preserve our existing urban neighborhoods, and to insure that new neighborhoods are designed to create distinct areas for urban residential living.

Rural residential areas are typically found on the outer rim of the urban area, in many cases delineating City limit borders. In rural areas, citizens find inexpensive living opportunities, engage in agricultural and/or ranching activities, or simply enjoy the openness of the rural environment. Overall, the City values rural areas for their open space and clear views to the surrounding mountains and mesas, as well as for their cultural heritage and economic viability in agriculture and ranching. Policies shall be established to maintain and enhance rural residential living.

Objective 3:

Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

- Policy 1.3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- Policy 1.3.3 An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small-urbanized lots (such as 3,500 square feet parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.
- Policy 1.3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- Policy 1.3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
- Policy 1.3.14 The City shall encourage urban residential development on the East Mesa.

Land Use Element (Commercial Uses) Goal 1

The history of Las Cruces shows the development of the City's street network in a north/south orientation. With few major east/west roads to create major intersections, commercial corridors became the only feasible way to meet the retail and service needs of our quickly growing City. Main, Solano, El Paseo, Lohman/Amador, and Picacho are the City's main commercial corridors. Policies to discourage commercial corridor patterns were not established until the adoption of the 1985 City Comprehensive Plan. By this time, commercial corridors were well established in the City.

Previous land use policy emphasized commercial node or center development patterns, discouraged strip commercial patterns, directed new commercial development to existing commercial areas, and promoted neighborhood commercial uses. While much of the contemporary commercial development has developed according to these policies, the City's commercial corridor patterns have been sustained by directing new commercial development to these existing commercial areas. The creation of new commercial land use policy, based on geography and population and with a higher degree of distinction of land uses and development standards, will better serve the commercial needs of the City. Such policy will allow greater discretion in the application of commercial zoning based on existing and expected future demand.

Commercial development should take the form of nodes or centers wherever possible. Further strip commercial development should be discouraged, particularly in neighborhood areas. However, in the absence of major intersections and/or large lots, corridor or strip patterns, if properly designed, may be maintained in order to provide needed services to an area.

Commercial business zoning shall be categorized based on use, intensity, scale, and compatibility with its environment. In addition, those commercial uses less intensive in use may be placed in categories of higher intensity to encourage multi-use commercial nodes or centers.

Objective 5:

Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

Policy 5.3.1 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.

Urban Design (Design) Goal 3

Maintain sensitivity to the City's image through the careful application of aesthetic and environmental guidelines of its neighborhoods and districts.

Objective 9:

Enhance our community's natural environment, physical environment, and character through quality design.

Policy 3.9.4 Encourage creative site planning for all new development and redevelopment.

- a. The topography and slope of a site should be maintained in its natural state.

- b. Encourage a balance between open space and development.
- c. Encourage variation in setbacks and structure spacing as a means of avoiding monotony and unity.

Objective 10:

Instill compatibility, function and practicality in and between new and existing development by establishing development guidelines to ensure quality site design.

Policy 3.10.5 Support a policy of mixed land uses as discussed in the Land Use Element. Land uses which are not traditionally considered compatible may be located next to one another depending upon design features and compatibility with the adjacent area as a result of a mixed land use policy. Those uses with lower intensities must be protected from any negative impacts from adjacent uses with higher intensities in order to protect a desirable quality of life within the City.

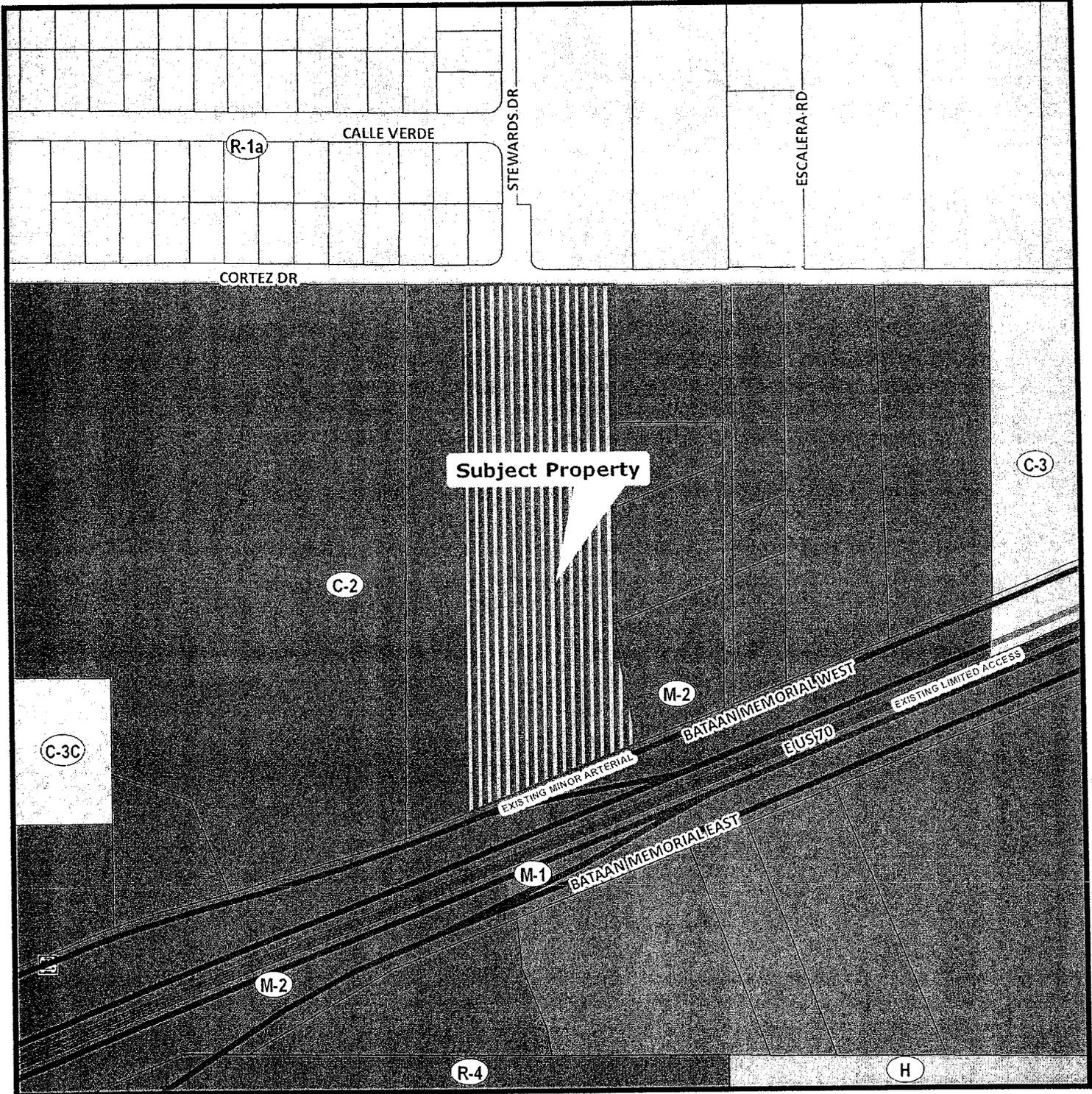
- a. Land uses which differ from adjacent land uses, found in Matrix 1, should be required to follow the distance and landscaping requirement also found in Matrix 1. The prescribed distance between uses is a non-buildable area and must be landscaped accordingly.
- b. Mitigation techniques (as found in Matrix 2) should be employed to avoid any possible problems between differing land uses located adjacent to or near one another. Possible mitigation techniques shall include but not be limited to those examples found in Matrix 1 and 2.
 - i. New development should be compatible with the architectural style in the surrounding area.
 - ii. New development should respect building height, scale, bulk and setbacks found in the surrounding area.
 - iii. Any high intensity use locating adjacent to a lower intensity use should be oriented and designed in a sensitive manner. Development which is/are located adjacent to public streets should also be oriented and designed in a sensitive manner.
 - (1) Place parking areas away from adjacent residential uses when appropriate. All parking areas should use landscaping and distance techniques to buffer differing uses and when viewed from public streets.
 - (2) Screen delivery areas, loading zones, waste receptacle and pick-up areas, and any outside evidence of plumbing, electrical, and/or mechanical equipment from view by buffers, landscaping, architectural techniques, and other design measures.

- (3) Landscape blank walls and fences which face streets or adjoining properties to soften their harsh, stark effects or provide pedestrian scale facades on all sides of the building (windows, doors, landscaping, and fine grain detail in materials).
 - (4) Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.
- c. Mitigation techniques and landscaping and distance requirements should be followed when a business registration, zone change, or new construction creates adjacent land uses which differ from one another. The use which is creating the change should mitigate any possible problems between other land uses using the techniques listed below.
- d. Specific landscaping regulations will be found in lower level planning documents.

ZONING: C-2
 OWNER: TROY & CECILIA PITCHER

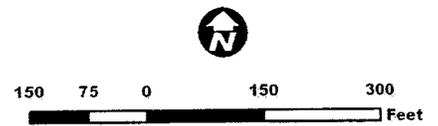
396
 Zone Map

PARCEL: 02-19666
 DATE: 03/11/2011



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

| Legend | | | |
|--------|----|--|--------------------------------|
| | 40 | | EXISTING LIMITED ACCESS |
| | 30 | | EXISTING PRINCIPAL ARTERIAL |
| | 20 | | EXISTING MINOR ARTERIAL |
| | 10 | | EXISTING COLLECTOR |
| | | | PROPOSED LIMITED ACCESS |
| | | | PROPOSED PRINCIPAL ARTERIAL |
| | | | PROPOSED MINOR ARTERIAL |
| | | | PROPOSED COLLECTOR |
| | | | PROPOSED CORRIDOR |
| | | | PROPOSED INTERCHANGE/UNDERPASS |
| | | | Non Designated Trail |
| | | | Proposed Paved EBID |
| | | | Proposed Unpaved EBID |
| | | | City Parcel |
| | | | Interstates_Highway |
| | | | EBID Water System |
| | | | Railroad |
| | | | Rio Grande |
| | | | Arroyo |



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

**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.

1 Milton Ave.; a.k.a. 2220 South Solano Drive; Parcel ID# 02-19890.
 2 Proposed Use: Professional Office Uses with Limited Retail Service -
 3 Conditional. Council District 2.
 4

- 5 2. **Case Z2833:** Application of Jonathan Boldt, Managing Member, Mayfield
 6 Properties LLC to rezone a 1.5 ± acre lot from A-2 (Rural Agriculture) to R-
 7 2 (Multi-Dwelling-Low Density). The Zone Change Request will bring the
 8 subject property into compliance with the 2001 Zoning Code. The subject
 9 property is located at the terminus of Mayfield Road; a.k.a. address 1905
 10 Mayfield Road; Parcel ID# 02-00381; Proposed Use: Unspecified
 11 residential use; Council District 4.
 12

13 Scholz: Okay, we have two postponements I see and they are Case Z2831
 14 and Case Z2833. Alright, Mr. Ochoa do you want to speak to those or
 15 just nod?
 16

17 Ochoa: Yes sir, that is correct.
 18

19 Scholz: Okay that's good, and then we don't have to do anything about that.
 20

21 **IV. OLD BUSINESS**

22
 23 Scholz: Okay, our next one is Old Business Case Z2828; the application of
 24 Broadland (Borderland) Engineers and let's see who's up; Ms. Revels,
 25 you're up.
 26

27 Revels: Good evening, Helen Revels for the record. The case I have for you
 28 this evening is a zone change request for Case Z2828. It's located at
 29 the north side of Bataan Memorial West, east of Mesa Grande Drive.
 30 The address is 5195 Bataan Memorial West; it encompasses 5.21
 31 acres and they're proposing to rezone from C-2 to R-1a, C-3.

32 Here are your case specifics. The property is currently zoned C-2
 33 which is Commercial Medium Intensity. The current use is single family
 34 residence, a pizzeria. The property also has two vacant buildings that
 35 were formerly used for auto sales. The proposed zoning is R-1a,
 36 Single Family Medium Density and C-3, Commercial High Intensity.
 37 The proposed zoning will bring the property into compliance with the
 38 2001 Zoning Code for the single family use and allow for future
 39 development of the property for an unspecified commercial use or
 40 uses. A replat will be required to create two separate lots; one for the
 41 single family use and the other for the unspecified commercial use or
 42 uses. The replat process will also trigger road improvements and/or
 43 right-of-way dedication for Cortez Drive. Any new development will
 44 require conformance to the 2001 Zoning Code, as amended and any
 45 other City of Las Cruces requirements which include buffering between
 46 the different uses on and adjacent to the property.

1 Here's a copy of the zoning plat here and you'll see that the
 2 applicant is proposing to cut out this lot here for the resident that
 3 currently exists and then the other 4.26 acres is the proposed
 4 commercial lot that they're proposing to rezone to C-3.

5 Here's an aerial map of the location now. Here's a zoning and
 6 thoroughfare map which you can see that there's C-2 zoning, there's
 7 R-1a adjacent to the property and we have the highway which Bataan
 8 Memorial West is a Minor Arterial.

9 Findings; the subject property is located between Bataan Memorial
 10 West and Cortez Drive, address 5195 Bataan Memorial West and
 11 encompasses 5.21 acres. The property is currently used for single
 12 family use, a pizzeria and has two vacant commercial buildings. The
 13 zone change request from C-2 to R-1a and C-3 would bring the subject
 14 property into compliance with the 2001 Zoning Code. A replat will be
 15 required to create two separate distinct lots on the subject property.
 16 The rezoning request is consistent with the goals and objectives and
 17 policies of the City of Las Cruces Comprehensive Plan.

18 Staff recommendation this evening; staff recommends to approve
 19 the zone change with the following conditions: a development
 20 application shall be submitted, approved and recorded for the
 21 replatting of the subject property into two lots. The developer shall
 22 comply with any road improvements and/or right-of-way dedication
 23 required by this process. No access shall be permitted off of Cortez
 24 Drive for the proposed C-3 lot. The developer shall comply with all
 25 requirements of the 2001 Zoning Code, as amended including
 26 buffering between the C-3 and R-1a properties and any new utilities
 27 shall be placed underground.

28 Your options this evening are to approve the zone change as
 29 recommended by staff with the conditions I mentioned earlier, to
 30 approve the zone change with conditions deemed appropriate by this
 31 body, deny the zone change or table and postpone the zone change.
 32 Planning and Zoning Commission is a recommending body to City
 33 Council for zone change cases, which has the final authority. I will
 34 stand for any questions you have and the applicant is also here.

35
 36 Scholz: Thank you Ms. Revels. Questions? Commissioner Shipley.

37
 38 Shipley: Thank you, very nice presentation; I just have two questions. One;
 39 when I looked at the property, I read the condition that says that they
 40 would... the commercial use will not have access to Cortez and the
 41 reason I looked at that very close to is, when I looked at Cortez, I
 42 believe Cortez was once a county road, is that correct?

43
 44 Revels: I'm not really sure if it was a county road; I know that when the freeway
 45 came through it split it off from the Cortez that's on the other, on the

- 1 south side of the highway and I think at one point it wasn't a Local
2 roadway but once that split happened, it did become a Local roadway.
3
- 4 Shipley: Because it not... is it up to standards? I mean, I was concerned about
5 weight-bearing. If a propane fuel truck went behind that on Cortez, it
6 doesn't look like it's either wide enough or...
7
- 8 Revels: Correct, I believe it is a 50-foot road. There may be some
9 improvements required with the replatting process. The applicant...
10 that's why we are limiting access for the C-3 property, we do not want
11 access off of the Local roadway for a C-3 use; they will have to have
12 access off of Bataan Memorial.
13
- 14 Shipley: So that will just be storage back in that area then?
15
- 16 Revels: I'm assuming, I mean we would evaluate that when the building permit
17 came in.
18
- 19 Shipley: Okay, thank you.
20
- 21 Scholz: Any other questions? Okay, I forgot to explain the process for those of
22 you who are new here. Initially what we have is the City makes its
23 presentation, then we ask the applicant to make his or her
24 presentation, then we open it to public discussion. After we've heard
25 from the public, we close it, the Commissioners talk among ourselves
26 and then we vote on it, alright. By the way for the audio, could we turn
27 it down a little bit; it's a little loud. Thank you. Okay, may we hear from
28 the applicant, please? And it's Mr. Scanlon; I thought I recognized your
29 hat when you came in.
30
- 31 Scanlon: Good evening Mr. Chairman and members of the Commission. My
32 name is Ted Scanlon and I represent the applicant. As was stated I
33 guess, I think by Commissioner Shipley, Helen did a real good job as
34 usual presenting the case. I really don't have anything to add to it
35 except to reiterate that all we're doing here is bringing it into
36 compliance with the 2001 Zoning Code because it exceeds the tract
37 size for C-2 zoning and making it compatible with the land use as far
38 as the residential existing residence that's up in the northwest corner of
39 that; just kind of cleaning it all up and making it all comply with the
40 codes and compatible with the surroundings.
41
- 42 Scholz: Okay, questions for this gentleman? Okay, thank you very much Mr.
43 Scanlon. Is there anyone from the public who wishes to speak to this?
44 Okay, seeing no one raise their hands, I'm going to close it for public
45 discussion; Commissioners?
46

1 Shipley: The only comment I have is, I was just concerned about the road,
2 Cortez Street because it was... looked like it was a county road before
3 and it never had been brought up to standards; there's no curb, no
4 gutter.
5
6 Scholz: On the south side of it.
7
8 Shipley: On the north side.
9
10 Scholz: Oh, on the north side as well; I guess I didn't notice that, okay.
11
12 Shipley: It's on the north side, it runs along the north side of the property and it
13 goes to Mesa, from Mesa Grande back to, over to Mesa.
14
15 Scholz: Oh, okay.
16
17 Shipley: And I was just concerned that that was probably not going to hold up
18 very long if you put heavy trucks on there.
19
20 Scholz: Right, but they're not gonna do that.
21
22 Shipley: Well, the thing that I was looking at is that, where does a truck gonna
23 get off? If it gets off at that Mesa Grande exit, it can't go right on the
24 street; it has to loop around somewhere. In other words to get in off of
25 that or it has to go down to the next exit on 70 and then come back to
26 the west.
27
28 Scholz: Right, but they're going to have the curb cuts next to the... off of
29 Bataan, is that right?
30
31 Scanlon: That's correct.
32
33 Scholz: Yeah, okay.
34
35 Scanlon: Access to the property will be from Bataan. I'll explain a little about
36 Cortez Road and why it looks the way it does. As you noticed on one
37 of the slides there's a residential subdivision that's several years old
38 just to the north. When this residential subdivision was developed and
39 in accordance with the requirements of the subdivision code, the
40 developers were required to build one-half of the roadway section so
41 basically what you see out there is half a road; it goes to the center
42 line. If any of the properties are developed to the south then they would
43 be required to provide roadway improvements, meaning their half of
44 the roadway and to dedicate any needed right-of-way too and that's
45 exactly what we're doing. We have submitted a replat already on this
46 property to create the lot for the residents and coinciding with the

- 1 zoning lines and we'll have... we have a responsibility for half of the
 2 roadway improvements on our side of the street and how that's going
 3 to be accomplished too is kind of questionable right now because it's
 4 such a short stretch, it's kind of hard to get tapers and so forth in there
 5 so it may end up that we can pay the City a certain amount of money
 6 based on a construction cost estimate for that, that they can escrow
 7 until such time that there is a comprehensive project that would pave a
 8 large expanse of the south half of that roadway.
 9
- 10 Scholz: We've done that before and so I understand. Thank you, that gives us
 11 some additional information. Alright, I'll entertain a motion to approve.
 12
- 13 Crane: So moved.
 14
- 15 Scholz: Alright, would you, since you're moving it, would you read the
 16 conditions please; they are on page nine.
 17
- 18 Crane: I move that application Z2828 be approved with the following
 19 conditions recommended by staff:
 20 1. A development application shall be submitted, approved and
 21 recorded for the replatting of the subject property into two lots;
 22 the developer shall also comply with any road improvements or
 23 right-of-way dedication required by this process.
 24 2. No access shall be permitted off Cortez Drive for the proposed
 25 C-3 property.
 26 3. The developer shall comply with all requirements of the 2001
 27 Zoning Code, as amended including buffering between the C-3
 28 and R-1a properties.
 29 4. All new utilities shall be placed underground.
 30
- 31 Scholz: Is there a second?
 32
- 33 Shipley: There is a second.
 34
- 35 Scholz: Okay, it's been moved and seconded. I'll call the roll; Commissioner
 36 Shipley.
 37
- 38 Shipley: Aye; findings, discussion and site visit.
 39
- 40 Scholz: Commissioner Crane.
 41
- 42 Crane: Aye; findings and discussion.
 43
- 44 Scholz: Commissioner Beard.
 45
- 46 Beard: Aye; findings and discussions.

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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.

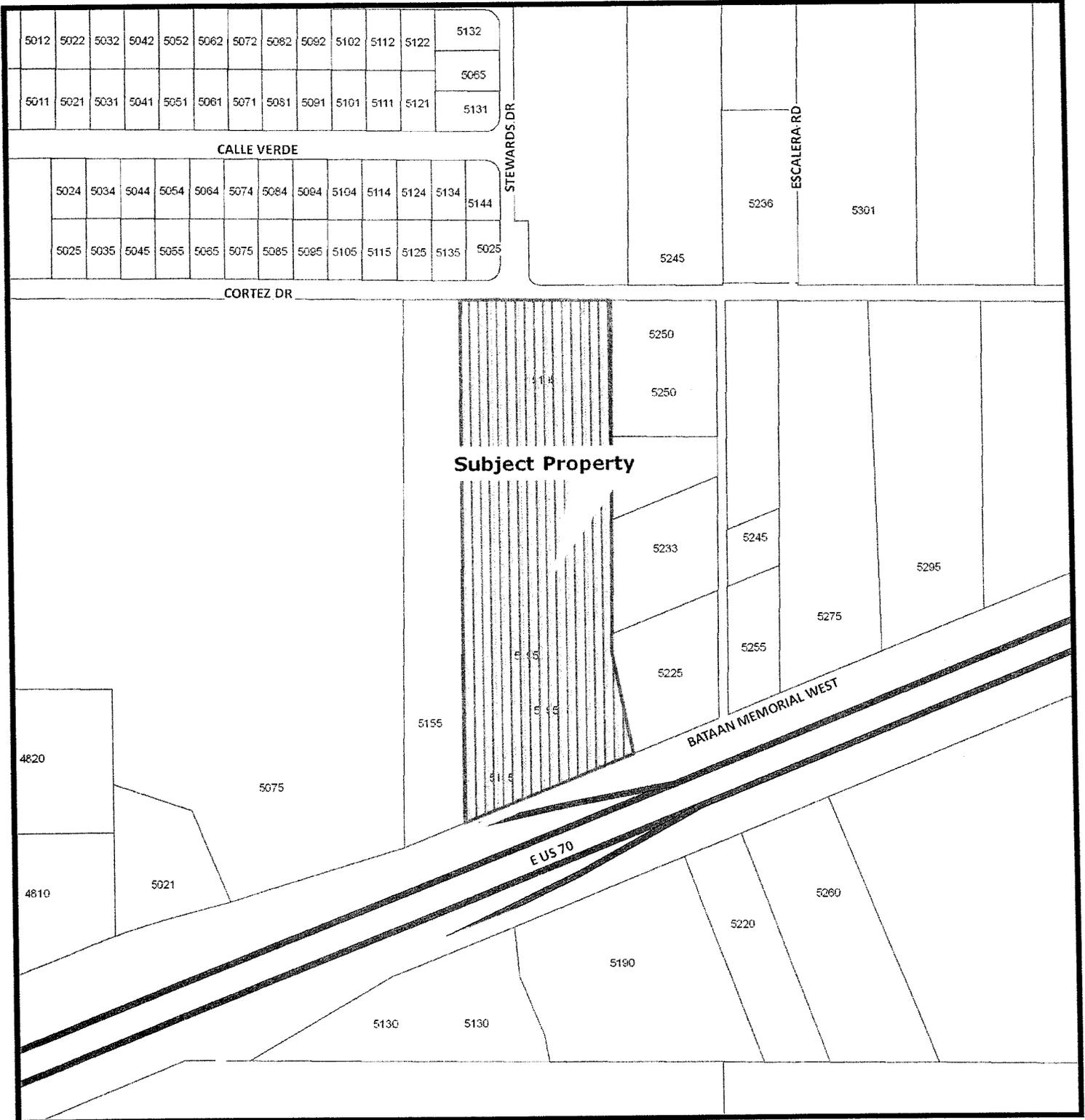
Scholz: All those in favor, say aye.

All Commissioners: Aye.

ZONING: C-2
OWNER: TROY & CECILIA PITCHER

405
Location Vicinity Map

PARCEL: 02-19666
DATE: 03/11/2011

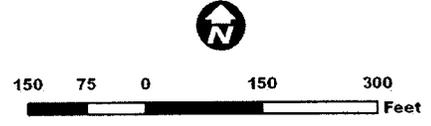


Subject Property

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.

Legend

| | | | |
|---------------|---------------------|----------|------------|
| Point_Address | Interstates_Highway | Railroad | Rio Grande |
| City Parcels | EBID Water System | Arroyo | |



Community Development Department
 700 N Main St
 Las Cruces, NM 88001
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