

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 9Ordinance/Resolution# 2621For Meeting of June 6, 2011  
(Ordinance First Reading Date)For Meeting of June 20, 2011  
(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR FOUR (4) DISTINCT PROPERTIES, TWO (2) LOCATED AT 5995 BATAAN MEMORIAL WEST AND 5245 PORTER ROAD AND TWO (2) WITH PARCEL IDENTIFICATION NUMBERS 02-26602 AND 02-26603, ALL LOCATED ON THE NORTHWEST CORNER OF BATAAN MEMORIAL AND PORTER ROAD. SUBMITTED BY RICK STOES ON BEHALF OF GOODGAME FAMILY LP AND JK FAMILY LP, PROPERTY OWNERS (Z2834).

### **PURPOSE(S) OF ACTION:**

Zone change to bring the four (4) subject properties into compliance with the 2001 Zoning Code, as amended.

<b>COUNCIL DISTRICT: 5</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development	<b>Phone: 528-3204</b>
<b><u>City Manager Signature:</u></b>		

### **BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The proposed zone change is for four (4) distinct properties located on the northwest corner of Bataan Memorial and Porter Road, just south of the Sunrise Mesa Family Community and within the Sunrise Mesa Subdivision Master Plan area. The Sunrise Mesa Subdivision Master Plan stipulates what the permitted land uses are for the planning parcels. Planning Parcel 1 is limited to the uses of a convenience market and gas station; Planning Parcels 2 & 3 are limited to small retail store uses; and Planning Parcel 4 is limited to the use of a mini-storage facility. Planning Parcel 1 is developed with a gas station and a small restaurant; Planning Parcels 2 & 3 are both undeveloped; and Planning Parcel 4 is developed with a storage unit facility. Planning Parcels 1, 2, & 3 encompass 1.48 ± acres each and Planning Parcel 4 encompasses 4.28 ± acres.

All four subject parcels exceed the one (1) acre maximum lot size requirement of their current zoning designation of C-2 (Commercial Medium Intensity). The proposed C-3 (Commercial High Intensity) zoning designation would facilitate compliance with the 2001 Zoning Code, as amended. The applicant states that currently there are no proposed development plans for

Planning Parcels 2 & 3 and no proposed changes to the existing conditions of Planning Parcels 1 & 4.

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 properties are located along a Principal Arterial roadway and a Minor Arterial roadway where high intensity commercial uses are encouraged and desired. The proposed zone change is also located adjacent to and in an area of comparable zoning and is not adjacent to rural or low density residential zoning. The proposed zone change is consistent with the Sunrise Mesa Subdivision Master Plan.

On April 26, 2011, the Planning and Zoning Commission (P&Z) recommended approval with conditions for the proposed zone change by a vote of 6-0-0 (one Commissioner absent). The conditions are as follows:

1. The subject parcels shall follow all development requirements of the Sunrise Mesa Subdivision Master Plan.
2. All new utilities shall be placed underground.
3. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 1 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate auto and bicycle parking.
4. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 4 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering.

There were comments from the general public at the meeting expressing concerns with the possibility of intense uses being utilized on the subject parcels with the new zoning designation of C-3. The four (4) subject parcels are limited to specific land uses by the Sunrise Mesa Subdivision Master Plan. For example, as Planning Parcels 2 & 3 are currently undeveloped and the Sunrise Mesa Subdivision Master Plan limits the allowed land use to small retail, Planning Parcels 2 & 3 cannot be developed with the maximum allowable land uses for C-3 as specified in the 2001 Zoning Code, as amended (see Attachment "B").

#### **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 Z2834.
5. Attachment "B", Draft minutes from the April 26, 2011 Planning and Zoning Commission meeting.
6. Attachment "C", Letter from the Public.
7. Attachment "D", Vicinity Map.

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  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"/>	<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.
<b>Does this action create any revenue?</b>  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
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**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 conditional approval. The four (4) subject parcels with a combined area of 8.72 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional). 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 four (4) subject parcels. The subject parcels will be considered legal non-conforming lots.
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. Ordinance 1437

COUNCIL BILL NO. 11-041  
ORDINANCE NO. 2621

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR FOUR (4) DISTINCT PROPERTIES, TWO (2) LOCATED AT 5995 BATAAN MEMORIAL WEST AND 5245 PORTER ROAD AND TWO (2) WITH PARCEL IDENTIFICATION NUMBERS 02-26602 AND 02-26603, ALL LOCATED ON THE NORTHWEST CORNER OF BATAAN MEMORIAL AND PORTER ROAD. SUBMITTED BY RICK STOES ON BEHALF OF GOODGAME FAMILY LP AND JK FAMILY LP, PROPERTY OWNERS (Z2834).

The City Council is informed that:

**WHEREAS**, Goodgame Family LP & JK Family LP, the property owners, have submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four (4) distinct parcels, two (2) located at 5995 Bataan Memorial West and 5245 Porter Road and two (2) with parcel identification numbers 02-26602 and 02-26603; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on April 26, 2011, recommended that said zone change request be approved conditionally by a vote of 6-0-0 (one Commissioner absent).

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

(I)

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3C (Commercial High Intensity-Conditional) for four (4) parcels, two (2) located at 5995 Bataan Memorial West and 5245 Porter Road and two (2) with parcel identification numbers 02-26602 and 02-26603 on the northwest corner of Bataan Memorial and Porter Road.

**(II)**

**THAT** the conditions be stipulated as follows:

- The subject parcels shall follow all development requirements of the Sunrise Mesa Subdivision Master Plan.
- All new utilities shall be placed underground.
- Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 1 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate auto and bicycle parking.
- Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 4 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering.

**(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:

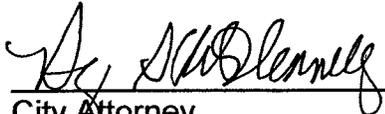
\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

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

APPROVED AS TO FORM:

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

VOTE:

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



**FINDINGS AND COMPREHENSIVE PLAN ANALYSIS**

1. Parcels 1, 2, & 3 encompass 1.48 ± acres each; Parcel 4 encompasses 4.28 +/- acres
2. The subject parcels are currently zoned C-2 (Commercial Medium Intensity) and are currently Parcel 1 contains a gas station, Parcel 2 & 3 are undeveloped and Parcel 4 contains a storage unit facility.
3. The subject parcels are located on Porter Road, a Principal Arterial roadway and Bataan Memorial, a Minor Arterial roadway, as classified by the Metropolitan Planning Organization (MPO).
4. The subject parcels are currently part of the Sunrise Mesa Subdivision Master Plan.
5. The proposed zone change would bring the subject properties into compliance 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)**

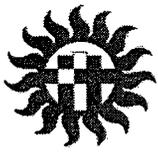
Policy 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established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



**Date: April 11, 2011**

**CASE #** Z2834

**PROJECT NAME:** Northwest Corner of Bataan Memorial & Porter Road  
(Zone Change)

**APPLICANT:** Rick Stoes

**PROPERTY OWNER:** Goodgame Family LP & JK Family LP

**REQUEST:** Zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for four (4) existing parcels.

**PROPOSED USE:** Parcel 1: Existing gas station; Parcel 2 & 3: Undeveloped with no proposed use; Parcel 4: Existing storage unit facility.

**SIZE:** Parcel 4 encompasses 4.28 ± acres and Parcel 1, 2 & 3 encompass 1.48 ± acres each, making a total of 8.72 ± acres.

**CURRENT ZONING:** C-2 (Commercial Medium Intensity)

**LOCATION:** Located on the northwest corner of Bataan Memorial and Porter Road; Parcel ID# 02-26604, 02-26603, 02-26602 & 02-26601.

**COUNCIL DISTRICT:** 5

**PLANNING COMMISSION DATE:** April 26, 2011

**PREPARED BY:** Adam Ochoa, Planner *AO*

**STAFF RECOMMENDATION:** Approval with Conditions

**PROPERTY INFORMATION**

Address/Location: The northwest corner of Bataan Memorial and Porter Road; Parcel ID# 02-26604, 02-26603, 02-26602 & 02-26601

Acreage: Parcel 4 encompasses 4.28 ± acres and Parcel 1, 2 & 3 encompass 1.48 ± acres each, making a total of 8.72 ± acres.

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Parcel 1: Existing gas station; Parcel 2 & 3: Undeveloped and limited to retail uses by the Sunrise Mesa Subdivision Master Plan; Parcel 4: Existing storage unit facility.

Proposed Zoning: C-3C (Commercial High Intensity-Conditional)

Proposed Land Use: Commercial

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	Parcel 1, 2 & 3: 1.48 ± acres; Parcel 4: 4.28 ± acres.
Current Lot Depth/Width	Parcels 1, 2 & 3: 377 ± feet/ 214 ± feet. Parcel 4: 433 ± feet/ 596 ± feet.
Existing Building Height	Parcel 1: 30 ± feet; Parcel 4: 15 ± feet.
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		Parcel 1: Gas Station; Parcel 2 & 3: Undeveloped; Parcel 4: Storage Unit Facility	C-2	Commercial Medium Intensity
Surrounding Properties	North	Mobile Home Community	PUD/R-2	Planned Unit Development/Multi-Dwelling Low Density
	South	Bataan Memorial (US 70)		
	East	Vacant Buildings	C-3C	Commercial High Intensity-Conditional
	West	Single-Family Residences/VFW Building	R-2/C-2	Multi-Dwelling Low Density/Commercial Medium Intensity

**HISTORY**

Previous applications? Yes  No

If yes, please explain: A zone change from R-2 (Medium Density Residential from the 1981 Zoning Code) and C-2 (General Commercial from the 1981 Zoning Code) to C-2 (General Commercial from the 1981 Zoning Code)

Previous ordinance numbers? 1437

Previous uses if applicable: Undeveloped

**COMPREHENSIVE PLAN**

Elements & Policies

Land Use Element

1. Goal 1, Objective 5, Policy 5.3

Analysis: The proposal is to convert the four (4) existing parcels from C-2 to C-3C. The existing parcels exceed the 1-acre maximum lot size allowed in the C-2 zoning district and the rezone would facilitate compliance with the 2001 Zoning Code, as amended. The subject properties are located along a Principal Arterial roadway (Porter Road) and a Minor Arterial roadway (Bataan Memorial) which both can support a high intensity commercial use. The subject properties are also 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondary Site/Lot Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireflow/Hydrant Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Type of building occupancy: Parcel 1: M Occupancy; Parcel 2 & 3: None; Parcel 4: S Occupancy.

Nearest Fire Station

Distance: .075 ± miles

Address: 5998 Bataan Memorial East

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. The subject properties are located in the proposed flood zone SFHA Zone A. Dependent on the time of any future development, a flood zone analysis may be required.

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

Additional Comments: Recommendation of approval.

MPO

Road classifications: Porter Road is designated a Principal Arterial roadway and Bataan Memorial is designated as a Minor Arterial roadway at this location.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? A bus stop is located on Parcel 1 on the northwest corner of Porter Road and Bataan Memorial.

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:  
Any future proposed driveways located along Bataan Memorial will require an access permit from NMDOT at the time of development.

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 <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: On-street parking is not permitted 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: Off-site work may be needed to meet the fire protection requirement. This will be assessed at the time of review of a building permit. 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: Cesar E. Chavez Elementary | Distance (miles): 1.15 ± miles |
| Enrollment: 622                           |                                |
| 2. Middle School: Mesa Middle School      | Distance (miles): 1.75 ± miles |
| Enrollment: Not Known                     |                                |
| 3. High School: Onate High School         | Distance (miles): 0.77 ± miles |
| Enrollment: 2075                          |                                |

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? There are 32-parking spaces located on Parcel 1 with the gas station and 2 parking spaces on Parcel 4 with the storage unit facility. There is no existing improved parking on Parcel 2 & 3.

How many are accessible? There are 2 ADA accessible parking spaces on Parcel 1 with the gas station. There are no ADA accessible parking spaces on parcel 2, 3, & 4.

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

If yes, how many parking spaces will be required? Required parking for vacant parcels 2 & 3 will be determined at time of permitting and will be assessed with the proposed use.

How many accessible? Will be assessed 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: Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 1 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate auto and bicycle parking. Parking requirements, both auto and bicycle, will be determined by land use for Parcel 2 & 3 and will be verified upon plan review for a building permit. The storage unit facility on Parcel 4 allows for vehicular access to the units therefore not requiring any type of parking requirements for the subject parcel.

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 for Parcel 1, 2 & 3. Parcel 4 currently contains an adequate amount of landscaping.

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? A minimum 10-foot opaque buffering shall be required for Parcel 4 along the northern and western property lines adjacent to R-2 zoned properties. Parcel 3 shall also be required the same minimum 10-foot opaque buffering along the northwestern property line adjacent to R-2 zoned properties. Parcels 1 & 2 are not required to provide any additional buffering.

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/ Landscaping	No	N/A

**Table 4: Project Chronology**

Date	Action
March 1, 2011	Application submitted to Development Services
March 4, 2011	Case sent out for review to all reviewing departments
March 11, 2011	All comments returned by all reviewing departments
March 8, 2011	Staff reviews and recommends approval of the zone change
April 6, 2011	Newspaper advertisement
April 15, 2011	Public notice letter mailed to neighboring property owners
April 17, 2011	Sign posted on property
April 26, 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 subject parcels are part of the Sunrise Mesa Subdivision Master Plan and the subject parcels are required to follow all requirements of the Master Plan. The applicant is proposing the zone change to bring the subject properties into compliance with the 2001 Zoning Code, as amended. The proposed zone change to C-3C (Commercial High Intensity-Conditional) would facilitate compliance with the 2001 Zoning Code, as amended, for all four (4) subject parcels. The conditions placed upon this zone change areas follows: 1. The subject parcels shall follow all regulations and requirements of the Sunrise Mesa Subdivision Master Plan. 2. All new utilities shall be placed underground. 3. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on either Parcel 1 is initiated, the entire subject parcel will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate auto and bicycle parking. 4. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 4 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering. Currently there are no proposed development plans and no proposed changes to the existing conditions for the subject properties by the applicant.

## FINDINGS

1. Parcels 1, 2, & 3 encompass 1.48 ± acres each; Parcel 4 encompasses 4.28 +/- acres
2. The subject parcels are currently zoned C-2 (Commercial Medium Intensity) and are currently Parcel 1 contains a gas station, Parcel 2 & 3 are undeveloped and Parcel 4 contains a storage unit facility.
3. The subject parcels are located on Porter Road, a Principal Arterial roadway and Bataan Memorial, a Minor Arterial roadway, as classified by the Metropolitan Planning Organization (MPO).
4. The subject parcels are currently part of the Sunrise Mesa Subdivision Master Plan.
5. The proposed zone change would bring the subject properties into compliance with the 2001 Zoning Code, as amended.

## STAFF RECOMMENDATION

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

1. The subject parcels shall follow all requirements of the Sunrise Mesa Subdivision Master Plan.
2. All new utilities shall be placed underground.

3. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 1 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate auto and bicycle parking.
4. Whenever any expansion or structural modification up to ten percent (10%) of the total combined gross floor area of all buildings on Parcel 4 is initiated, the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate buffering.

**DRC RECOMMENDATION**

N/A

**ATTACHMENTS**

1. Development Statement
2. Site Plan
3. Comprehensive Plan Elements and Policies
4. Aerial 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: ~~Rock Stoes~~ Good game ? JK Family trust  
Contact Person: Rock Stoes  
Contact Phone Number: 650-6000  
Contact e-mail Address: rstoess@stoess.com  
Web site address (if applicable): \_\_\_\_\_

Proposal Information

Location of Subject Property Porter & Bellan Mem  
(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: C2  
Proposed Zoning: compliance - C3  
Acreage of Subject Property: 1.72 ? 1.72 gross / 1.48 ? 1.48 net / 4.26 net  
Detailed description of intended use of property. (Use separate sheet if necessary):  
Lot 2 & 3 Not yet determined - to bring property to compliance /  
\_\_\_\_\_  
\_\_\_\_\_  
Proposed square footage and height of structures to be built (if applicable):  
N/A  
Anticipated hours of operation (if proposal involves non-residential uses):  
N/A  
Anticipated traffic generation N/A trips per day (if known).  
\_\_\_\_\_

Anticipated development schedule: Work will commence on or about   N/A    
and will take approximately   N/A   to complete.

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

  will comply w/ code and standards  

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:

  NA    
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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\*

# SUNRISE MESA SUBDIVISION

## PHASE I, REPLAT 1

### COMMERCIAL DEVELOPMENT

9.44 ACRE DEVELOPMENT IN LAS CRUCES, DONA ANA COUNTY, NEW MEX

AUGUST 2001  
PREPARED FOR  
SUNRISE MESA, LLC

BEARING: TO THE EAST 1/4 CORNER OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 3 EAST, NMPM FOUND CONCRETE MONUMENT

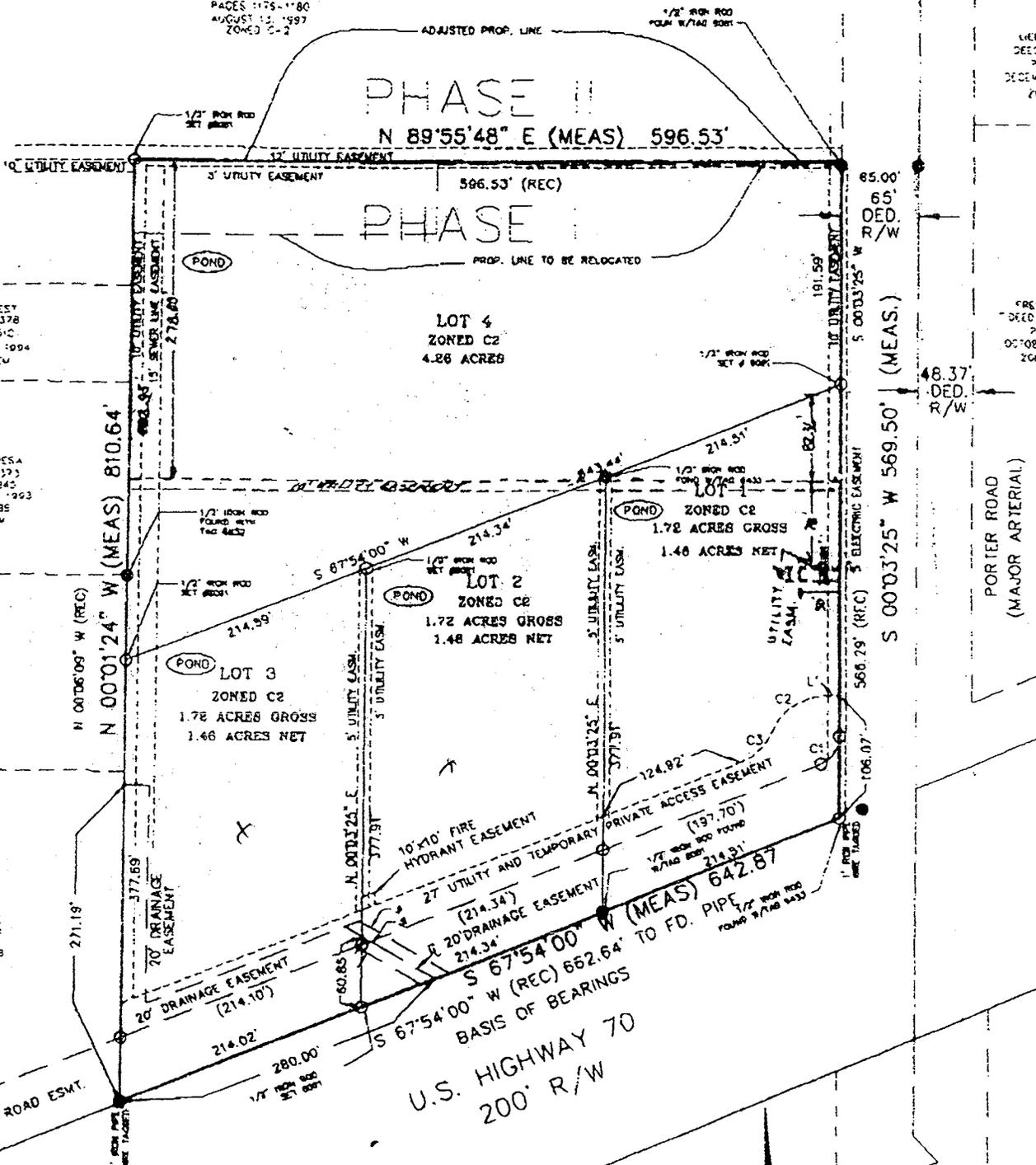
BKI FAMILY LIMITED PARTNERSHIP  
DEED BOOK 88  
PAGES 175-178  
AUGUST 12, 1997  
ZONED C-2

ANSON, CHERIE  
DEED BOOK 378  
PAGE 509-510  
FEBRUARY 15, 1994  
ZONED REV

MAGDA, TERESA  
DEED BOOK 373  
PAGE 844-845  
SEPTEMBER 30, 1993  
MAY 2, 1985  
ZONED REV

WYAN, SANCHEZ  
MISC BOOK 304  
PAGE 335-336  
MAY 2, 1986  
ZONED REV

JOYNER, WAYNE  
DEED BOOK 321  
PAGE 299  
MARCH 25, 1988  
ZONED C-2



LINE	BEARING	DISTANCE
1	N 00°01'24" W	810.64
2	S 67°54'00" W	662.64
3	N 00°03'25" W	569.50
4	S 67°54'00" E	377.91
5	N 00°01'24" E	377.91
6	S 67°54'00" W	662.64
7	N 00°03'25" E	377.91
8	S 67°54'00" E	377.91
9	N 00°01'24" W	810.64

**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-3C  
 OWNER: GOODGAME FAMILY LP &  
 JK FAMILY LP

136  
**Aerial View**

DATE: 4/13/2011  
 PARCEL: 02-26604, 02-26603,  
 02-26602, 02-26601

ATTACHMENT #4

Subject Properties



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

**Legend**

-  City Parcel
-  EBID Water System
-  Arroyo
-  Interstates\_Highway
-  Railroad
-  Rio Grande



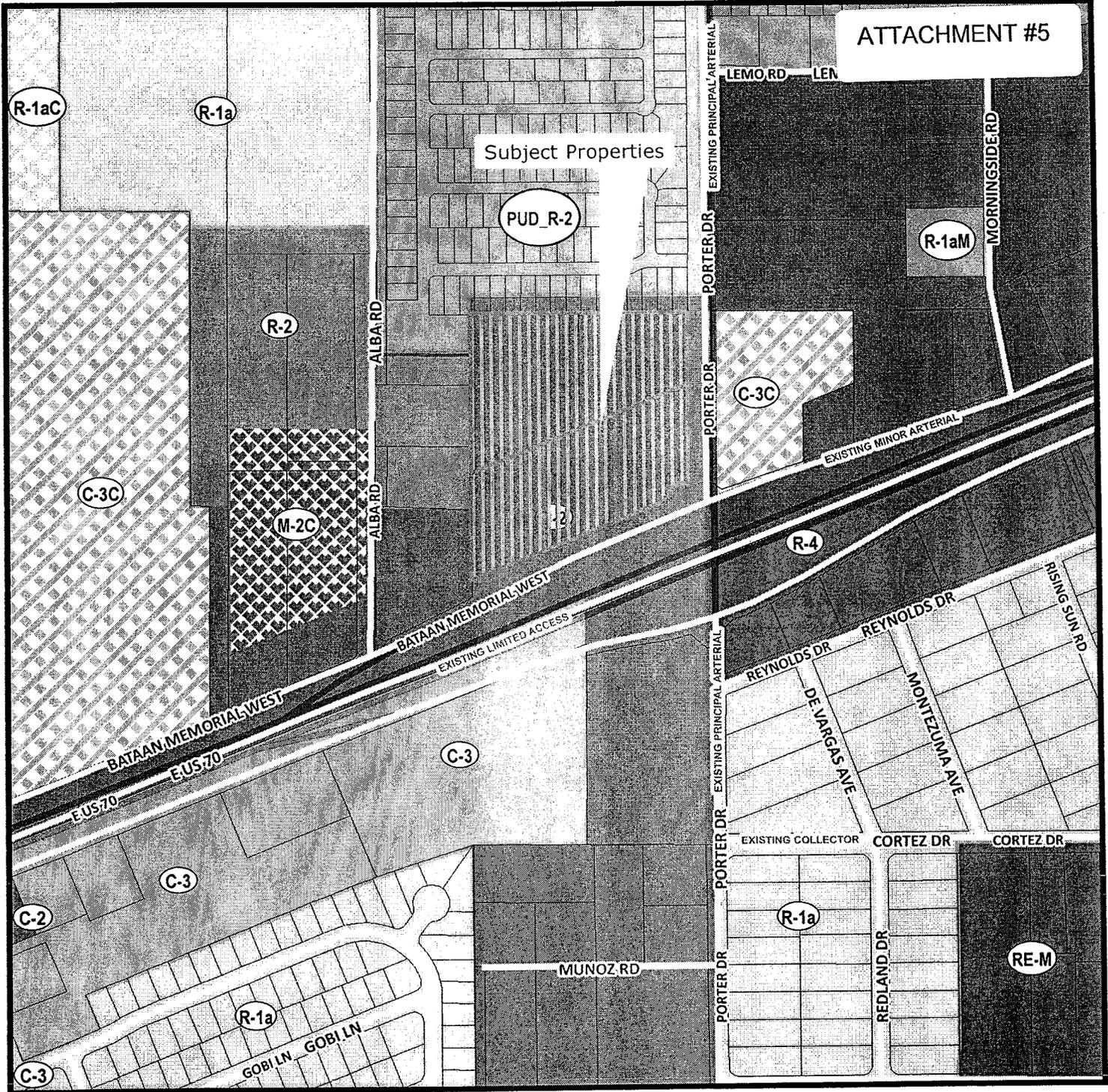
Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 528-3222

**ZONING: C-2 TO C-3C**  
**OWNER: GOODGAME FAMILY LP & JK FAMILY LP**

# 137 Zone Map

**DATE: 4/13/2011**  
**PARCEL: 02-26604, 02-26603, 02-26602, 02-26601**

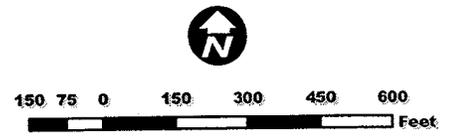
**ATTACHMENT #5**



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**Legend**

EXISTING LIMITED ACCESS	PROPOSED INTERCHANGE/UNDERPASS	Non Designated Trail
EXISTING PRINCIPAL ARTERIAL	PROPOSED PRINCIPAL ARTERIAL	Proposed Paved EBID
EXISTING MINOR ARTERIAL	PROPOSED MINOR ARTERIAL	Proposed Unpaved EBID
EXISTING COLLECTOR	PROPOSED COLLECTOR	City Parcel
PROPOSED LIMITED ACCESS	PROPOSED CORRIDOR	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  
April 26, 2011 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

Charles Scholz, Chairman  
Godfrey Crane, Vice Chair  
Charles Beard, Secretary  
Ray Shipley, Member  
William Stowe, Member  
Donald Bustos, Member

**BOARD MEMBERS ABSENT:**

Shawn Evans, Member

**STAFF PRESENT:**

David Weir, Community Development Department Director  
Cheryl Rodriguez, Development Services Administrator  
Adam Ochoa, 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 April 26, 2011. My name is Charlie Scholz; I'm the chair of the Planning and Zoning Commission. Before we begin our meeting, I want to introduce the members of the commission. On my far right is Commissioner Shipley; he's the Mayor's appointee. Next to him is Commissioner Crane; he represents District 4. Next to him is Commissioner Stowe who represents District 1. The next man over is Commissioner Bustos who represents District 3, then on my immediate right, Commissioner Beard representing District 2 and I represent Council District 6.

**II. APPROVAL OF MINUTES – March 22, 2011**

Scholz: The first order of business is always the approval of the minutes. Are there any additions or corrections to the minutes of March 22<sup>nd</sup>? Okay, hearing none, I'll entertain a motion to approve.

Shipley: So moved to approve the minutes of March 22<sup>nd</sup>.

1  
2 **VII. NEW BUSINESS**  
3

- 4 1. **Case Z2834:** Application of Rick Stoes on behalf of Goodgame Family LP &  
5 JK Family LP to rezone from C-2 (Commercial Medium Intensity) to C-3  
6 (Commercial High Intensity) on four (4) distinct parcels of land; one  
7 encompassing 4.28 +/- acres and three encompassing 1.48 +/- acres each.  
8 The four (4) parcels are located on the northwest corner of Bataan Memorial  
9 and Porter Road; Parcel ID# 02-26604, 02-26603, 02-26602 & 02-26601;  
10 Proposed Use: There is an existing gas station on parcel 1, an existing  
11 storage unit facility on parcel 4 and parcels 2 & 3 are currently undeveloped  
12 with no proposed development. Council District 5.  
13

14 Scholz: Our first order of new business is going to be Case Z2834. Now, here's  
15 how it works for those of you who haven't been here before. The City  
16 presents their case. Then the applicant presents their case. Then we  
17 open it to public discussion and after the public discusses, we close it  
18 and then the Commissioners talk among themselves and vote. So, for  
19 the City take it away, Mr. Ochoa.  
20

21 Ochoa: Adam Ochoa, Development Services for the record. First case tonight  
22 gentlemen is Case Z2834. It is a request for a zone change from C-2  
23 (Commercial Medium Intensity) to C-3C (Commercial High Intensity  
24 Conditional) for four existing parcels located on the northwest corner of  
25 Bataan Memorial and Porter Road. Seen here on the vicinity map, it is  
26 these four parcels here in the striped white and outlined in light blue. Like  
27 I said on the northwest corner of Bataan Memorial and Porter Road.  
28 Porter Road being here and Bataan Memorial West being here.

29 Some case specifics tonight. Parcel one, two and three each  
30 currently encompass approximately 1.48 acres each while parcel four  
31 encompasses approximately 4.28 acres. Parcel one currently contains a  
32 gas station and a small restaurant while parcel two and three are  
33 currently undeveloped. Parcel four is also developed and contains a  
34 storage unit facility. The proposed zone change to C-3C would facilitate  
35 compliance with the 2001 Zoning Code as amended for all four subject  
36 properties. Currently the subject properties, like I said are zoned C-2  
37 (Commercial Medium Intensity) which does not allow a parcel to exceed  
38 a one-acre lot size so they're capped at a one-acre maximum size. The  
39 C-3 zoning would fix that problem with the four subject properties. Porter  
40 Road is classified as a Principal Arterial Roadway while Bataan Memorial  
41 is also classified as a Minor Arterial Roadway as designated by the  
42 Metropolitan Planning Organization or MPO. The subject parcels are  
43 part of the Sunrise Mesa Master Plan and are required to follow all  
44 requirements of that master plan. Any future development on Parcel two  
45 or three shall be required to follow all C-3 development standards  
46 including having to provide the adequate amount of parking, bicycle

1 parking, landscaping and so on and so forth whenever they come in for  
2 development. Currently parcel two does comply with landscaping  
3 requirements but whenever any expansion or structural modification up  
4 to 10% of the total combined gross floor area of all buildings of parcel  
5 one is initiated, the entire subject property will have to come into  
6 compliance with the 2001 Zoning Code to provide adequate auto and  
7 bicycle parking for parcel one. Parcel four currently is in compliance for  
8 parking. The storage unit facility has drive-up access to the actual  
9 storage units which does not require any type of parking, any type of auto  
10 or bicycle parking on the subject property so as it exists with I believe two  
11 of existing auto parking spaces, it is in compliance with the 2001 Zoning  
12 Code. However, when any expansion or structural modification, up to  
13 10% of the total combined gross floor area for all buildings of parcel four  
14 is initiated the entire subject property will have to come into compliance  
15 to provide adequate buffering. That is the one thing that parcel four is  
16 lacking, would be adequate buffering. That buffering would basically be a  
17 minimum of a 10-foot opaque buffer to the R-2 zoned properties to the  
18 north. Currently there are no proposed development plans and no  
19 proposed changes to the existing conditions of the subject properties by  
20 the applicant.

21 Here is an aerial of the four properties; I know it's a little more  
22 difficult to see but here is the parcel one with the gas station, parcel two  
23 and three which are vacant, undeveloped and parcel four, the large one  
24 to the north with the storage unit facility that is fenced in.

25 Here is a site plan of the subject property, again parcels one, two,  
26 three and four along Porter Road and Bataan Memorial and U.S.  
27 Highway 70.

28 Staff has reviewed the zone change request and recommends  
29 approval with conditions based on the preceding findings. Condition one,  
30 is the subject parcel shall follow all requirements of the Sunrise Mesa  
31 Subdivision Master Plan which is in place now. Condition two, is all new  
32 utilities shall be placed underground. Condition three, is whenever any  
33 expansion or structural modification up to 10% of the total combined  
34 gross floor area of all buildings on parcel one is initiated, the entire  
35 subject property will have to come into compliance with the 2001 Zoning  
36 Code as amended to provide adequate auto and bicycle parking.  
37 Condition four, is whenever any expansion or structural modification up  
38 to 10% of the total combined gross floor area of all buildings on parcel  
39 four is initiated; the entire subject property will have to come into  
40 compliance with the 2001 Zoning Code as amended to provide adequate  
41 buffering.

42 The recommendation tonight by the Planning and Zoning  
43 Commission will be forwarded to City Council for final consideration.  
44 Tonight your options gentlemen is 1) vote yes to approve the request as  
45 recommended by staff for Case Z2834; 2) to vote yes to approve the  
46 request with additional conditions deemed appropriate by the Board; 3)

- 1 vote no to deny the request or; 4) table and postpone and direct staff  
2 accordingly.
- 3 The applicant is present here if you have any questions for him and I  
4 believe there are people from the public who would like to speak on  
5 behalf of this as well and I stand for questions as well.  
6
- 7 Scholz: Alright, questions for this gentleman; Commissioner Crane.  
8
- 9 Crane: We have in front of us Mr. Ochoa, a letter from the joint owners of  
10 property at 5250 Alba Road. Could you identify that property on any of  
11 the maps that you have in front of you or should we wait for somebody  
12 else?  
13
- 14 Ochoa: I'm not aware where exactly that property is sir. I will leave the map up to  
15 let them go ahead and point that out for you sir.  
16
- 17 Crane: Thank you.  
18
- 19 Scholz: Okay, I had a question too. Commissioner Shipley? No? My question  
20 was what's the difference between land uses in C-2 and C-3?  
21
- 22 Ochoa: Land uses Mr. Chairman, the differences are C-2 of course is a  
23 commercial medium intensity while C-3 is commercial high intensity; C-2  
24 and C-3 have a lot of compatible type of land uses allowed in those  
25 zoning designations but C-3 does have some more intense land uses  
26 allowed in that zoning verification which would be a mobile home sales, a  
27 dance club would be allowed in C-3 and so on and so forth but when  
28 dealing with these subject properties though they are required to follow  
29 the Sunrise Mesa Subdivision Master Plan which actually limits the type  
30 of uses on the subject properties.  
31
- 32 Scholz: Do we have an idea what those are (*inaudible*)?  
33
- 34 Ochoa: Yes sir, on parcel one it's actually called out all that's allowed is a gas  
35 station and associated uses and retail uses. Parcel four is called out for  
36 an actual storage unit facility which is what it is and storage two and  
37 three are limited to retail uses.  
38
- 39 Scholz: Limited to what?  
40
- 41 Ochoa: Retail uses.  
42
- 43 Scholz: Retail uses; okay so we're talking about like a convenience store or  
44 something like that.  
45
- 46 Ochoa: Clothing store, correct sir.

1  
2 Scholz: Alright, well those answered my questions; any other questions  
3 gentlemen? Okay, may we hear from the applicant please?  
4

5 Stoes: Hi everyone, I'm Rick Stoes with (*inaudible*) New Mexico representing  
6 Gary Goodgame and Bernard Coffman. If you've got any questions I am  
7 here just because basically the property, we did have some interest. The  
8 gentlemen are looking, they're getting on in their age, they are looking to  
9 possibly market this property and being that all the parcels were out of  
10 compliance for all type of merchantability they could not be financed  
11 because they don't carry a correct zoning for anything that they really do.  
12 This zoning would also prevent if the gas station, let's say it's been on it's  
13 years and another ten years or whatever it needs to go through a  
14 dramatic remodel or change that would be prevented so it does keep, it  
15 really does hinder some of the upkeep which, you know, it's in pretty  
16 good shape now. It's not too old but in ten years a gas station with a  
17 Subway wears out pretty quick.

18 The storage units were always planned to have some more storage  
19 units in it and the Sunrise Mesa Master Plan does call for storage units. It  
20 did have other phases but you know weren't all built at once which lights  
21 up lots of projects but that would be prevented now also under the zoning  
22 even though that's the only use that's permitted now.

23 The two pieces of vacant land we really don't have an exact use, we  
24 did have some interest that sparked which was a very good national retail  
25 use; limited hours, quiet but that turned out not to pan out but it did go  
26 ahead and flag us that hey all the properties were not in compliance and  
27 we're here today just to comply.  
28

29 Scholz: Okay, questions for this gentleman? Remarkably silent Commission  
30 tonight; okay thank you. May we hear from the public please?  
31

32 Underwood: My name is Anna Underwood and my son and I co-own the property right  
33 here which I believe is zoned R-2. I have a letter; it's kind of moot  
34 because I didn't realize that the zoning change was required, that all this  
35 property right here was out of compliance with the 2001 code; I came to  
36 protest the change to C-3. I suppose if it were sold that maybe the new  
37 owners might consider something else than what the present owners  
38 have said which is that there are no plans to develop it so I would like to  
39 read parts of this letter and you realize that I was kind of working blind  
40 because there wasn't any explanation about this in the notification that I  
41 got. "Concerning the proposed code variance from C-2 to C-3 of the  
42 northwest corner of Bataan Memorial Highway and Porter Road, my son  
43 Lewis Andrew Moya of 5250 Alba and I Anna Moya Underwood, 1922  
44 Trail End Road, co-owner of the Alba property are opposed to the  
45 change. The owners are asking with their generic C-3 height for a carte  
46 blanche approval of possible projects that are more intense, more visible,

1 noisier, larger, and employ more traffic than the use that is already in  
 2 their parcels; if that is limited by the Sunrise Mesa Master Plan that would  
 3 be wonderful news. We thought that there would be consequent lowering  
 4 of property values. These are some of the items on the government  
 5 internet list for C-3; bar and night club with dancing, bus terminal, RV  
 6 park, body shop with car painting, fireworks sales; I guess that could  
 7 come under the heading of retail, I don't know; permanent amusement  
 8 park, outdoor firing range, permanent t construction yard. So you can see  
 9 without any clue as to what the owners were considering or possible  
 10 future owners, you know, that might give us pause in terms of our  
 11 property values and our own pastoral quiet way of life. So thank you for  
 12 clarifying this for us.

13  
 14 Scholz: Thank you very much. Alright, I'm going to close this to public discussion;  
 15 then Commissioners what is your pleasure? Commissioner Crane.

16  
 17 Crane: I sympathize with the applicants (*inaudible*) with the public Miss  
 18 Underwood's and Mr. Moya's concerns but I feel that they are as I think  
 19 she realizes, they realized adequately taken care of by the limitations put  
 20 on this particular development, subdivision and so I think her suspicions  
 21 are (*inaudible*) by that and I would vote for granting the variance.  
 22

23 Scholz: Okay; Commissioner Shipley.

24  
 25 Shipley: Mr. Chairman, I move to approve Z2834 with the following conditions: the  
 26 subject parcels shall follow all the requirements of the Sunrise Mesa  
 27 Subdivision Master Plan. Number two; all new utilities shall be placed  
 28 underground. Three; whenever any expansion or structural modification  
 29 up to 10% of the total combined gross floor area of the buildings on  
 30 parcel one is initiated, the entire subject property will have to come into  
 31 compliance with the 2001 Zoning Code as amended to provide adequate  
 32 auto and bicycle parking. Four; whenever any expansion or structural  
 33 modification up to 10% of the total combined gross floor area of buildings  
 34 on parcel four is initiated the entire subject property will have to come  
 35 into compliance with the 2001 Zoning Code as amended to provide  
 36 adequate buffering.  
 37

38 Scholz: Alright, is there a second for that?

39  
 40 Bustos: I second.

41  
 42 Scholz: Okay, it's been moved by... moved and (*inaudible*) by Shipley, seconded  
 43 by Bustos. I'll call the roll; Commissioner Shipley.  
 44

45 Shipley: Aye; findings, discussion and site visit.  
 46

1 Scholz: Commissioner Crane.

2  
3 Crane: Aye; findings and discussion.

4  
5 Scholz: Commissioner Stowe:

6  
7 Stowe: Aye; findings and discussion.

8  
9 Scholz: Commissioner Bustos:

10  
11 Bustos: Aye; findings and discussion.

12  
13 Scholz: Commissioner Beard:

14  
15 Beard: Aye; findings and discussions.

16  
17 Scholz: And the Chair votes aye for finds, discussion and site visit. Thank you  
18 gentlemen; thank you very much Ms. Underwood. Okay Mr. Ochoa you'll  
19 have to yield now.

20  
21 2. Recommendation to adopt Community Planning Blueprint framework.

22  
23 Weir: Good evening, David Weir with the Community Development  
24 Department. I'm here before you tonight to discuss the Community  
25 Planning Blueprint and in the latest draft we have now called it initiative.  
26 This is a project if you recall that deals with some small area planning  
27 throughout the community; something that would be a little more  
28 responsive to the communities or issues if they pop up. Tonight the  
29 request is for your recommendation of approval of the overall framework  
30 so that City Council could act on that and then the Community  
31 Development staff could begin to take one of these areas and develop  
32 one of these plans. As you recall, you've reviewed earlier drafts of this at  
33 your February and March work sessions. For tonight's meeting, staff did  
34 another edit of the documents; we've taken into consideration your  
35 comments that you made at both of your work sessions. We tried to  
36 eliminate some redundancies to make the document, the framework flow  
37 a little more, be a little more intuitive yet still explain what the City's trying  
38 to accomplish with this initiative. And I believe that was handed out with  
39 your packets, was a mock-up of a neighborhood of what one of these  
40 plans would actually look like. As you see there's kind of introductory  
41 type of materials on the front. As you open it you would actually see what  
42 is outlined in the framework, kind of the boundaries of the plan, what are  
43 issues or challenges or opportunities, that why there was a decision to do  
44 a blueprint for this particular area and then what were policy statements  
45 to address those and specific actions in areas that could take place. The  
46 third page demonstrates how mapping could take place and then on the

April 26, 2011  
 Mr. Adam Ochoa, Planner  
 P.O. Box 20000  
 Las Cruces, NM 88004-9002

ATTACHMENT C

Dear Mr. Ochoa and all members of the Planning and Zoning Commission,

Concerning the proposed code variance from C-2 to C-3 in the northwest corner of Bataan Memorial Highway and Porter Rd, my son, Louis Andrew Moya, of 5250 Alba Road, and I, Anna Moya Underwood, 1925 Trails End Rd., a co-owner of the Alba Rd. property, are opposed to the change.

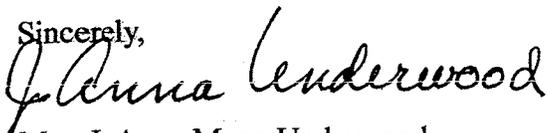
First, no explanation of the planned development has been given. The owners are asking, with their generic C-3 hike, for a "carte blanche" approval of possible projects that are more intense, more visible, noisier, larger, and employing more traffic than the use that is already in their parcels. Looking at some of the allowable possibilities under the city's C-3 listing, what if they are contemplating a bar with loud music and dancing, that disgorges not very sober people getting into cars every 2 a.m.? Or an outdoor firing range? Or a permanent amusement park? Without knowing, one can only imagine the worst.

Secondly, we feel that a hike to more intense commercial zoning will cause our property values to depreciate. My son has purchased, at 40, with some help from me, his first home, a mobile home on a half acre of land. He has been happy with the mountain views, residential quiet, pastoral ambience and some land with a fence around it to grow a few things. Like others, he lost money in the stock market some years back and last year thought a little land and a home, though modest, would be a good investment as well as a more peaceful place to live than the noisy apartments he had been renting in the city. And it has proven to be so. However, many of the projects listed under the C-3 zoning code would mock his new-found views and quiet, as well as hopes of a more solid investment in his home.

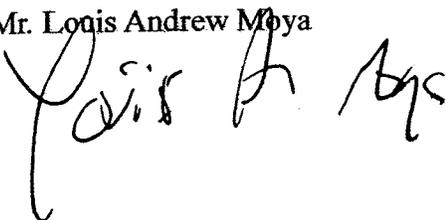
Thirdly, we wonder why the owners of the four parcels under consideration want to change the zoning code to C-3 for parcels that are already developed, that is, the storage units and Chucky's Gas Station and Cafe, as well as the two that are still vacant. Are they considering tearing down their projects already built and functioning? If so, for what other, larger plan?

Because of the vagueness in the request for the variance, the consequent lowering of property values for the people who reside in the area, as well as the probable degradation of the quality of life for my son and his neighbors, we ask the commission to reject this request for a change from C-2 to C-3 for the four parcels at the corner of Porter Road and Bataan Memorial Highway.

Sincerely,

  
 Mrs. J. Anna Moya Underwood

Mr. Louis Andrew Moya



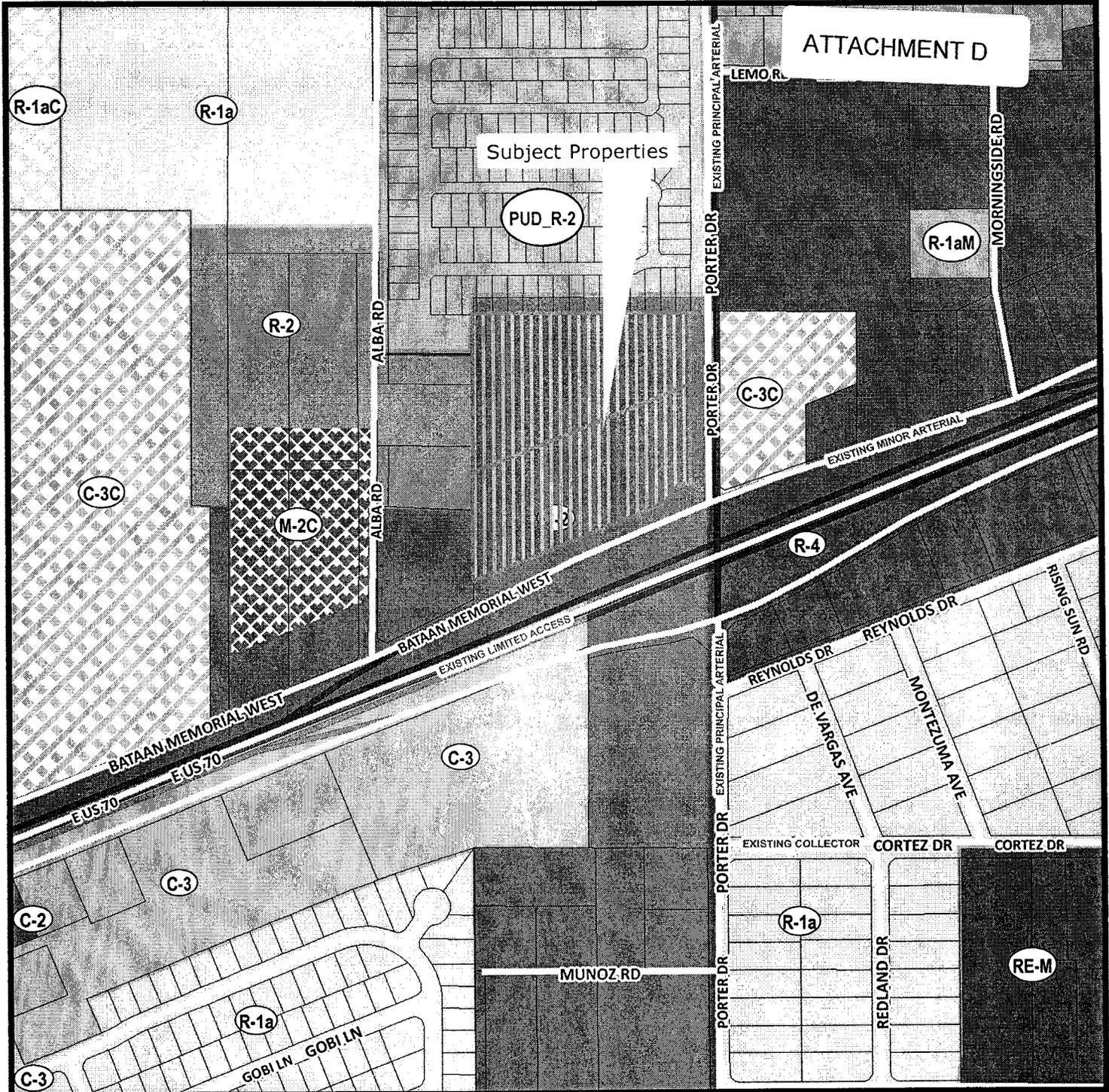
ZONING: C-2 TO C-3C

OWNER: GOODGAME FAMILY LP & JK FAMILY LP

# 146 Zone Map

DATE: 4/13/2011

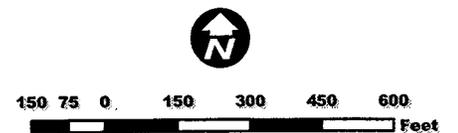
PARCEL: 02-26604, 02-26603,  
02-26602, 02-26601



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

**Legend**

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



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