

City of Las Cruces®

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Council Action and Executive Summary

Item # 12 Ordinance/Resolution# 2624

For Meeting of June 20, 2011
(Ordinance First Reading Date)

For Meeting of July 5, 2011
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1B (SINGLE-FAMILY HIGH DENSITY) TO C-1C (COMMERCIAL LOW INTENSITY-CONDITIONAL) FOR 0.25 ± ACRE TRACT LOCATED SOUTH OF THE FUTURE EXTENSION OF SEDONA HILLS PARKWAY AND EAST OF PAGOSA HILLS AVENUE; PARCEL ID# 02-37615. SUBMITTED BY SONOMA RANCH SUBDIVISION LTD. CO. ON BEHALF OF AREA 51 LLC, PROPERTY OWNER (Z2837).

PURPOSE(S) OF ACTION:

A zone change to allow for utility-related land uses only – antennas, towers, communication structures and other vertical structures and public/private utility installations.

COUNCIL DISTRICT: 6		
<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 proposed zone change is for a 0.25 ± acre tract (zoning tract K1) located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue and is adjacent to the Jornada water tank site.

The property is currently zoned R-1b (Single-Family High Density); the applicant is seeking to rezone to C-1C (Commercial Low Intensity-Conditional) to facilitate the proposed use of a private communication structure (cell phone tower). The proposed zone change will allow for utility-related land uses such as antennas, towers, communication structures and other vertical structures and public/private utility installations.

This zone change request does not constitute approval for the new construction of a private communication structure (cell phone tower). In order to facilitate development of a private communication structure (cell phone tower), the applicant must apply for a Special Use Permit (SUP), which must be considered by the Planning & Zoning Commission.

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 located adjacent to a proposed Collector roadway where a higher intensity use is allowed. Utility-related

land uses are not a typical commercial use and will not generate any additional pedestrian, auto or bicycle traffic.

On May 24, 2011, the Planning and Zoning Commission (P&Z) recommended approval with condition for the proposed zone change by a vote of 5-0-0 (two Commissioners absent). The condition is as follows:

1. The land use is limited to utility-related land uses for antennas, towers, communication structures and other vertical structures and public/private utility installations.

Written public comments were received prior to the Planning & Zoning Commission meeting expressing concerns of the placement of a communication structure in their neighborhood. (See Attachment "C") There was no public in attendance at the Planning & Zoning Commission Meeting.

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 Z2837.
5. Attachment "B", Draft minutes from the May 24, 2011 Planning and Zoning Commission meeting.
6. Attachment "C", Email Correspondence from the Public.
7. Attachment "D", 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 conditional approval. The 0.25 ± acres will be rezoned from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional). The zone change will allow for utility-related uses to be developed on the subject property.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-1b (Single-Family High Density) will remain on the subject property.
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 2175
2. Ordinance 2543

COUNCIL BILL NO. 12-002
ORDINANCE NO. 2624

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1B (SINGLE-FAMILY HIGH DENSITY) TO C-1C (COMMERCIAL LOW INTENSITY-CONDITIONAL) FOR 0.25 ± ACRE TRACT LOCATED SOUTH OF THE FUTURE EXTENSION OF SEDONA HILLS PARKWAY AND EAST OF PAGOSA HILLS AVENUE; PARCEL ID# 02-37615. SUBMITTED BY SONOMA RANCH SUBDIVISION LTD. CO. ON BEHALF OF AREA 51 LLC, PROPERTY OWNER (Z2837).

The City Council is informed that:

WHEREAS, Area 51 LLC, the property owner, has submitted a request for a zone change from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional) for 0.25 ± acre tract (zoning tract K1) located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue, parcel identification number 02-37615; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on May 24, 2011, recommended that said zone change request be approved conditionally by a vote of 5-0-0 (two Commissioners absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-1C (Commercial Low Intensity-Conditional) for 0.25 ± acre tract (zoning tract K1) located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue, parcel identification number 02-37615.

(II)

THAT the condition be stipulated as follows:

- The land use is limited to utility-related land uses for antennas, towers, communication structures and other vertical structures and public/private utility installations.

(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

Z2837 COMP PLAN ANALYSIS

Land Use Element (Commercial) 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 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.

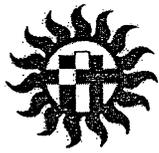
Objective 5:

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 1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

- b. Low intensity commercial uses
- i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
 - iii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
 - iv. Low intensity commercial development areas shall generally not locate within one-quarter ($\frac{1}{4}$) mile of other commercial development areas.
 - vi. Low 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 low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
 - vii. Adequate space for functional circulation shall be provided for parking and loading areas.

161



City of Las Cruces[®]
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Planning & Zoning
Commission
Staff Report

Date: May 16, 2011

CASE # Z2837

PROJECT NAME: Zone Change Request – R-1b to C-1C

APPLICANT: Sonoma Ranch Subdivision Ltd. Co.

PROPERTY OWNER: Area 51 LLC

REQUEST: To rezone from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional)

PROPOSED USE: Private communication structure

SIZE: 0.25 ± acres

CURRENT ZONING: R-1b (Single-Family High Density)

LOCATION: Located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615

COUNCIL DISTRICT: 6

PLANNING COMMISSION DATE: May 24, 2011

PREPARED BY: Helen Revels, Associate Planner *HR*

STAFF RECOMMENDATION: Approval with Condition

PROPERTY INFORMATION

Address/Location: Located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615

Acreage: 0.25 ± acres

Current Zoning: R-1b (Single-Family High Density)

Current Land Use: Vacant, undeveloped

Proposed Zoning: C-1C (Commercial Low Intensity-Conditional)

Proposed Land Use: Private communication structure

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

Table 1: Site Analysis

Development Standards for Existing Zoning of R-1b (Single-Family High Density)	
Minimum Lot Size	3,500 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/40 feet
Maximum Building Height	35 feet
Development Standards for Proposed Zoning of C-1C (Commercial Low Intensity-Conditional)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	32,670
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	35 feet*

*Towers and other communication structures are allowed to be a maximum height of 65 feet in a C-1 (Commercial Low Intensity) zoning district; a Special Use Permit (SUP) is required.

PHASING

Is phasing proposed? Yes No

If yes, how many phases?

Timeframe for implementation:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Vacant, Undeveloped	R-1b	Single-Family High Density
Surrounding Properties	North	Vacant, Undeveloped	H	Holding
	South	Vacant, Undeveloped	H	Holding
	East	Vacant, Undeveloped	R-3, R-4, and C-3	Multi-Dwelling Medium Density, Multi-Dwelling High Density & Limited Retail and Office and Commercial High Intensity
	West	Single Family Residential and Public Utility (Jornada Water Tank)	R-1a, FC	Single-Family Medium Density, Flood Control

HISTORY

Previous applications? Yes No

Previous ordinance numbers? Ordinance 2175, 2543

Previous uses if applicable: Ordinance 2175 approved an initial zoning for an annexation 322.037 + acres of land known as Sonoma Ranch East II on February 28, 2005; the applicant was Sonoma Ranch II, LLC.

Ordinance 2543 approved multiple zone changes as a corrective measure due to the new realignment of Mesa Grande Drive and surveying errors from the original master plan and zone change on October 26, 2009; the applicant was Sonoma Ranch Subdivision Ltd. Co.

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element - Office

1. Goal 1, Policy 1.5.1.b.i.
2. Goal 1, Policy 1.5.1.b.iii.
3. Goal 1, Policy 1.5.1.b.iv.
4. Goal 1, Policy 1.5.1.b.vi.
5. Goal 1, Policy 1.5.1.b.vii.

Analysis: This property is currently zoned R-1b and the application proposes C-1C to allow the use of communications towers and other vertical structures. It is located in an isolated corner of a much larger R-1b parcel along a proposed collector roadway, so the higher intensity use is not a problem. Vertical structures are not typical of commercial uses, which generate more pedestrian, auto or bicycle traffic. The application appears to meet the above mentioned policies stated in the Comprehensive Plan and staff supports the proposal.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

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

Type of building occupancy: S-1

Nearest Fire Station

Distance: 3 ± miles

Address: 2750 Northrise Boulevard

Adequate Capacity to Accommodate Proposal? Yes No

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. 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 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"/>
NMDOT permit needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: The items checked above needs to be addressed when the planning parcels are subdivided. Site is currently undeveloped; any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Flood Zone Ordinance 1933 and City of Las Cruces Design Standards. Recommendation of approval with the following condition: On-lot ponding must be used per CLC Design Standards to maintain any increased runoff from this development.

MPO

Road classifications: Sedona Hills Parkway, Collector, 85' ROW required, adjacent to the north side of subject property.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 1.8 ± 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:

Are road improvements necessary? Yes No N/A

If yes, please explain: An onsite driving aisle is required; the driving aisle shall be at least 12' in width and such length to provide access to the nearest public street or paved right-of-way.

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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Off-street parking problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

On-Street Parking Impacts

None Low Medium High N/A

Explain: On street parking not required

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: 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.

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 N/A
Need BTUH requirements? Yes No N/A

Public Schools

Nearest Schools:

- | | |
|---|--------------------------|
| 1. Elementary: Sonoma Ranch Elementary | Distance (miles): 1.57 ± |
| Enrollment: 650 | |
| 2. Middle School: Camino Real Middle School | Distance (miles): 1.38 ± |
| Enrollment: 1,137 | |
| 3. High School: Onate High School | Distance (miles): 2.04 ± |
| Enrollment: 2,075 | |

Adequate capacity to accommodate proposal? Yes No N/A

Explain: No residential use is being proposed, therefore there will 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? One parking stall shall be required on site.

How many accessible? None

Is there existing bicycle parking on the site? ¹⁶⁷ Yes No N/A

If yes, describe:

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

Comments: Antennas and communication structures do not require any bicycle parking stalls.

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? Chapter 32, Article IV of the City of Las Cruces Design Standards requires a minimum area of 15% of the total parking area to be landscaped. When the tract of land with the proposed C-1C 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

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

If no, what additional buffering will be required? Opaque buffering is required around the private communication structure and all associated equipment adjacent to any existing or future residential development.

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: Open space areas, parks or trails are not required for the proposed use.

Table 3: Special Characteristics

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

Table 4: Project Chronology

Date	Action
04/27/2011	Application submitted to Development Services
04/27/2011	Case sent out for review to all reviewing departments
05/06/2011	All comments returned by all reviewing departments
05/03/2011	Staff reviews and recommends approval of the zone change
05/08/2011	Newspaper advertisement
05/10/2011	Public notice letter mailed to neighboring property owners
05/13/2011	Sign posted on property
05/24/2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The proposed zone change will allow for utility-related land uses such as antennas, towers, communication structures and other vertical structures and public/private utility installations. The current zoning designation on the subject property is R-1b (Single-Family High Density). The subject property is located in the Sonoma Ranch East II master planned area. The applicant is proposing to rezone to C-1C (Commercial Low Intensity-Conditional) to facilitate the proposed use of a private communication structure. The condition of the zoning limits the allowed uses to antennas, towers, communication structures and other vertical structures for public/private utility installations only.

The property adjacent to the proposed site is zoned R-1b (Single-Family High Density). The 2001 Zoning Code, as amended, requires an opaque buffering for any freestanding tower, antenna, and other communication structure and all associated equipment adjacent to any existing or future residential development. An on-site driving aisle is required and it shall be at least 12 feet in width and such length to provide access to the nearest public street or paved right-of-way. One on-site parking stall is also required; the parking stall shall be 12 feet wide by 19 feet in length and there shall be a paved connection between the parking stall and the driving aisle. The 2001 Zoning Code, as amended, also requires towers to be set back one foot for each one foot in height plus 10% of the total height from any residential use on any adjacent or same parcel.

This zone change request does not constitute approval for the new construction of a private communication structure. In order to facilitate development of a private communication structure, the applicant must apply for a Special Use Permit (SUP), which must be considered by the Planning & Zoning Commission.

FINDINGS

1. The subject property is located south of the future extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel ID# 02-37615 and encompasses 0.25 + acres. The property is currently vacant and undeveloped.
2. The zone change request from R-1b (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional) will allow for utility-related land uses - antennas, towers, communication structures and other vertical structures and public/private utility installations only.
3. A Special Use Permit (SUP) is required for antennas, towers, and all other communication structures.
4. The Zone Change 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 condition:

1. The land use is limited to utility-related land uses for antennas, towers, communication structures and other vertical structures and public/private utility installations.

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 City Subdivision/Zoning Applications

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 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: SONOMA RANCH SUBDIVISIONS LTD

Contact Person: BRIAN SOLEMAN

Contact Phone Number: 575-525-1183

Contact e-mail Address: bsoleman@sonom ranch.com

Web site address (if applicable): _____

Proposal Information

Name of Proposal: SONOMA RANCH EAST II PARTIAL REZONE OF TRACT 1C

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
COMMERCIAL

Location of Subject Property SEE ATTACHED

(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)

Acreage of Subject Property: .25 ACRES

Detailed description of current use of property. Include type and number of buildings:

VACANT / UNDEVELOPED RESIDENTIAL ZONED R-1-B. NO STRUCTURES WITHIN PROPOSED LOCATION.

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

REZONE FOR UTILITY LAND USES (Antenna Towers Communication Structures and other vertical face mount structures)

Zoning of Subject Property: R-1b

Proposed Zoning (If applicable): C-1C

Proposed number of lots _____, to be developed in _____ phase (s).

Proposed square footage range of homes to be built from _____ to _____

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

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

N/A
Anticipated traffic generation N/A trips per day.

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

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?
ON-LOT PONDING

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). ROCK WALLS MATCHING SURROUNDING WALLS, NATURAL DESERT LANDSCAPE.

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No Explain: _____

Is there existing landscaping on the property? NO

Are there existing buffers on the property? N/A

Is there existing parking on the property? Yes ___ No

If yes, is it paved? Yes ___ No

How many spaces? _____ How many accessible? _____

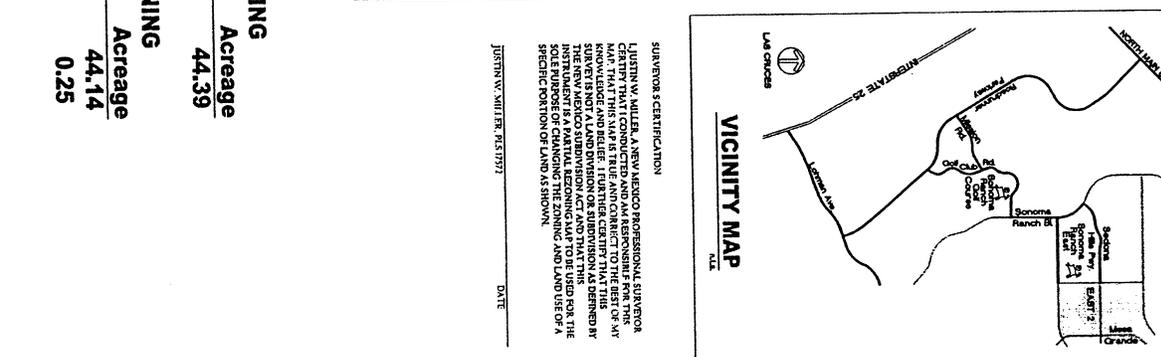
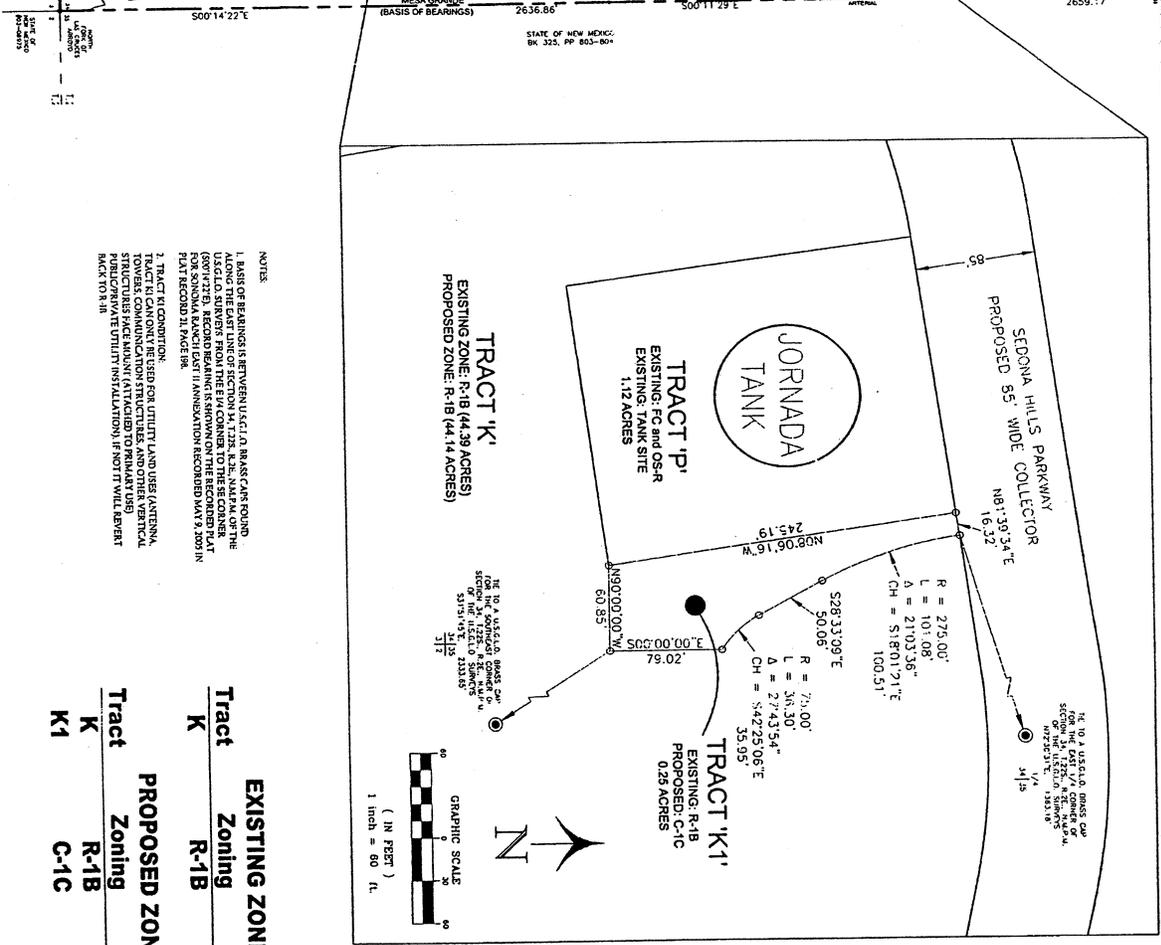
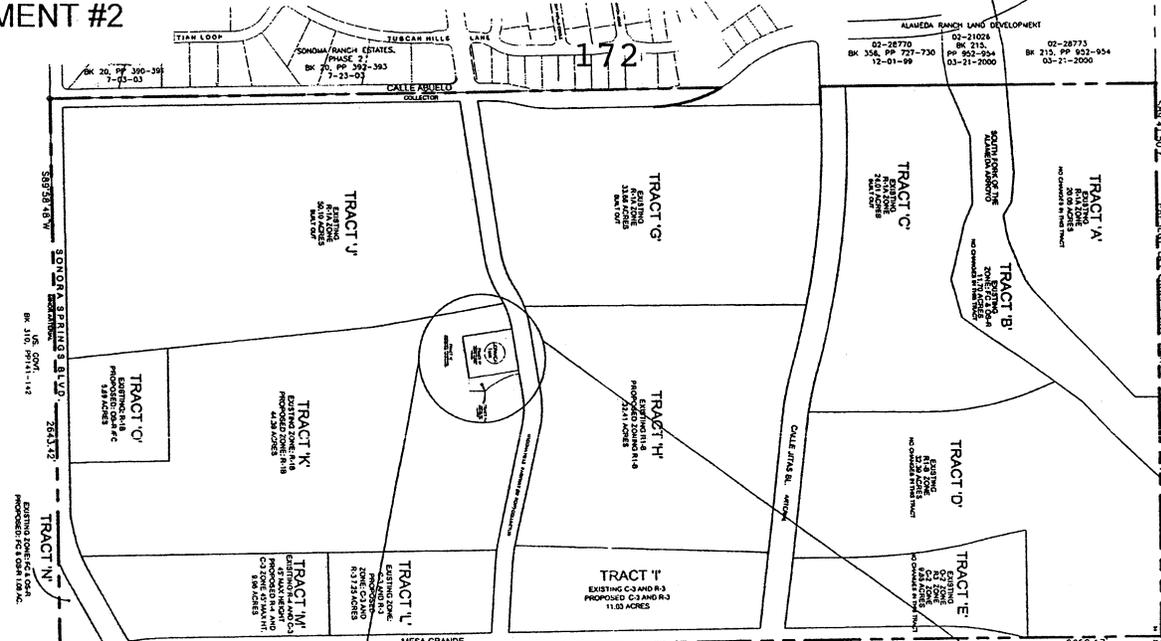
Attachments

Please attach the following: (* indicates optional item)

- Location map
- Subdivision Plat (If applicable)
- Proposed building elevations
- *renderings of architectural or site design features
- *other pertinent information

SONOMA RANCH EAST II PARTIAL REZONING OF TRACT K

A MIXED LAND USE DEVELOPMENT
 320.98 ACRES LOCATED IN SECTION 34, T22S, R.2E N.M.P.M. OF THE U.S.G.L.O. SURVEYS
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 April, 2011



NOTES:

1. BASIS OF BEARINGS IS PERPENDICULAR TO THE BOUNDARIES OF THE EAST LINE OF SECTION 34, T22S, R.2E, N.M.P.M. OF THE U.S.G.L.O. SURVEYS FROM THE SW CORNER TO THE SE CORNER (S71°17'12.8\"
2. TRACT K IS NOT TO BE USED FOR UTILITY LAND USES (ANTENNA, TOWERS, COMMUNICATION STRUCTURES, AND OTHER VERTICAL STRUCTURES) FACE ADJACENT (ATTACHED) TO RIMMAD OVER PARKWAY OR UTILITY INFRASTRUCTURE, IF NOT IT WILL DEPART FROM THE PLAN.

Tract	EXISTING ZONING	Acres
K	R-1B	44.39
Tract	PROPOSED ZONING	Acres
K	R-1B	44.14
K1	C-1C	0.25

DESIGNED BY:	BBS	REVISION #1:	04/21/2011
DRAWN BY:	DTS	REVISION #2:	05/20/2011
CHECKED BY:	JWM	DATE:	

SONOMA RANCH EAST II
 ZONING PLAT
 PARTIAL REZONE OF PARCEL K



SONOMA RANCH SUBDIVISIONS, INC.
 141 ROADRUNNER PARKWAY, SUITE 222 LAS CRUCES, NM 88011 (575)-525-1183

Z2837 COMP PLAN ANALYSIS

Land Use Element (Commercial) 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 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.

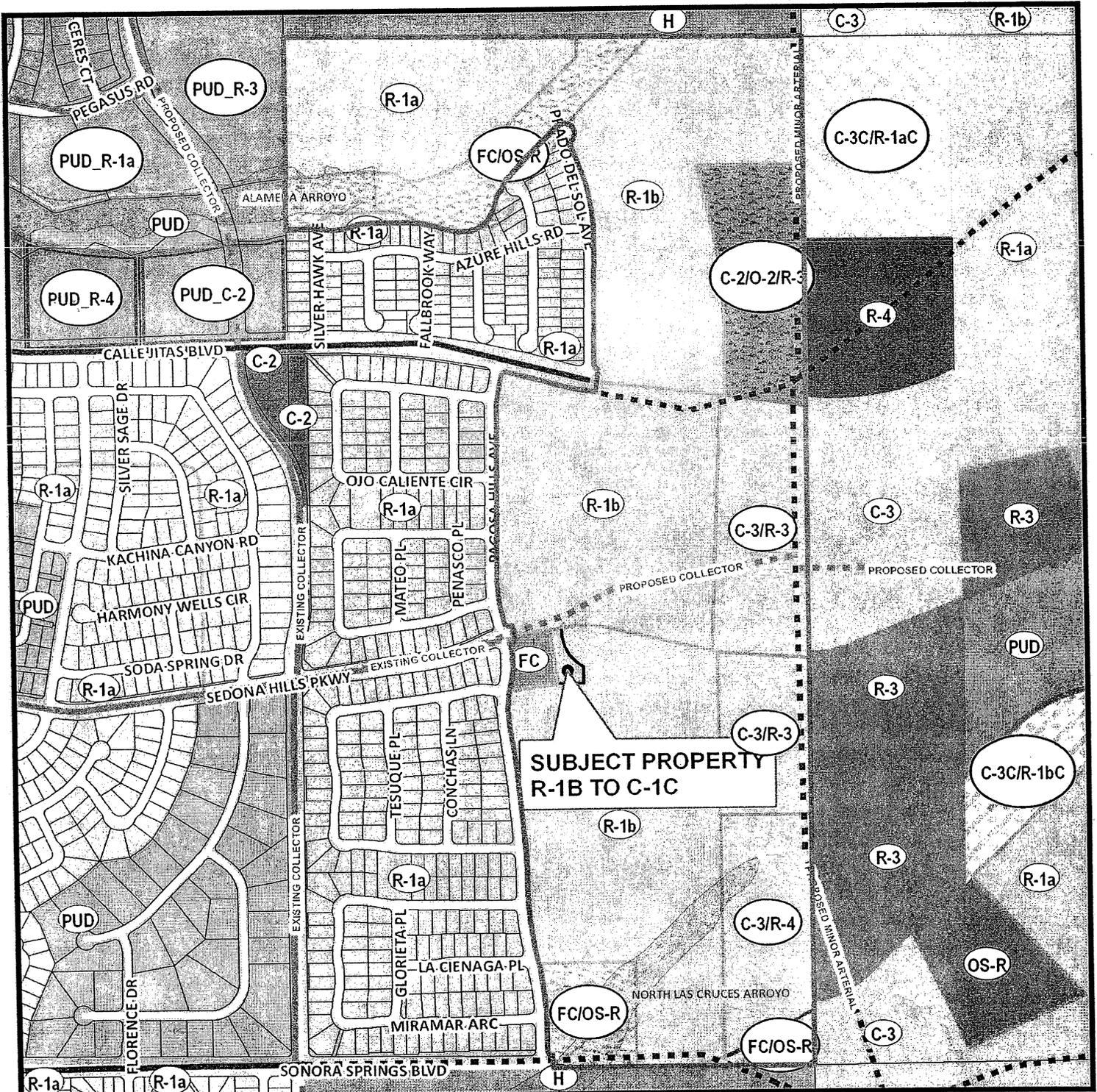
Objective 5:

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 1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

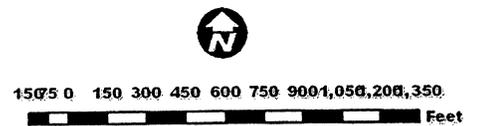
b. Low intensity commercial uses

- i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
- iii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
- iv. Low intensity commercial development areas shall generally not locate within one-quarter ($\frac{1}{4}$) mile of other commercial development areas.
- vi. Low 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 low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
- vii. Adequate space for functional circulation shall be provided for parking and loading areas.

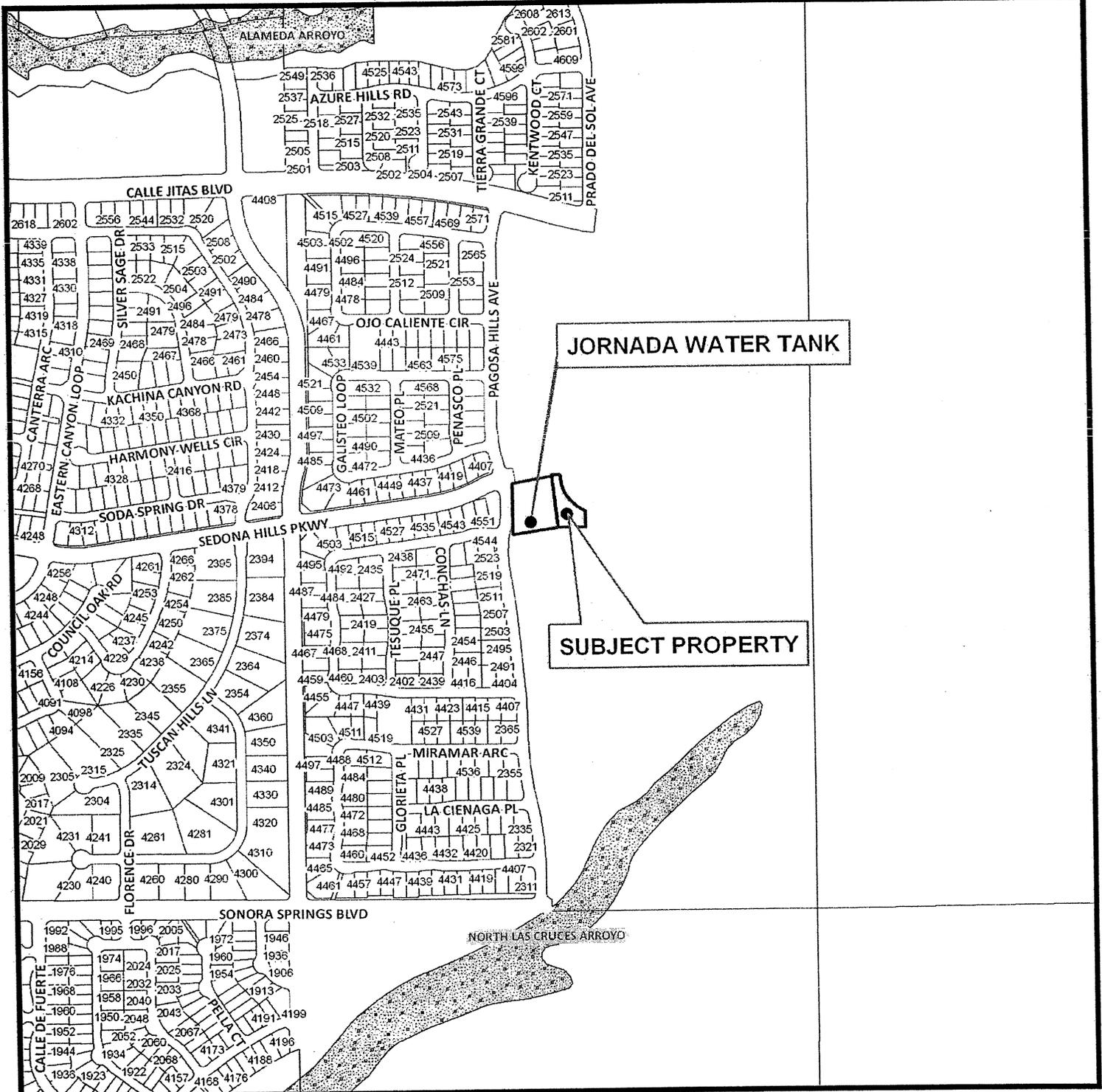


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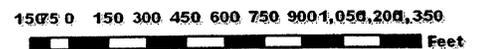
Legend							
	TP		40' EXISTING LIMITED ACCESS		PROPOSED INTERCHANGE/UNDERPASS		Non Designated Trail
	90'		EXISTING PRINCIPAL ARTERIAL		PROPOSED PRINCIPAL ARTERIAL		Proposed Paved EBID
	80'		EXISTING MINOR ARTERIAL		PROPOSED MINOR ARTERIAL		Proposed Unpaved EBID
	70'		EXISTING COLLECTOR		PROPOSED COLLECTOR		City Parcel
	60'		PROPOSED LIMITED ACCESS		PROPOSED CORRIDOR		Interstates_Highway
	50'		EBID Water System		Railroad		Rio Grande
			Arroyo				



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



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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
 (575) 528-3222

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
May 24, 2011 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member
William Stowe, Member
Shawn Evans, Member

BOARD MEMBERS ABSENT:

Charles Scholz, Chairman
Donald Bustos, Member

STAFF PRESENT:

Cheryl Rodriguez, Development Services Administrator
Adam Ochoa, Acting Senior Planner
Helen Revels, Acting Planner
Mark Dubbin, Fire Department
Jared Abrams, CLC Legal Staff
Lora Dunlap, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Crane: Good evening everybody, it being six o'clock, welcome to the May 24, 2011 meeting of the Las Cruces Planning and Zoning Commission. I'm Godfrey Crane, Vice Chair; substituting for Charlie Scholz who cannot be with us tonight. We start by introducing the commissioners. On my far right is Commissioner Shipley who is the Mayor's representative and on his left is Commissioner Stowe who represents District 1 and next to him is Commissioner Evans, District 5 and Commissioner Beard, District 2 and I represent District 4.

II. APPROVAL OF MINUTES – April 26, 2011

Crane: Our first job is to approve the minutes, perhaps with some fixers, of our last meeting which was April 26th. Does any commissioner have anything to say? Yes, Commissioner Beard.

Beard: Page six, line 36; I believe the storage should actually be parcel.

start

- 1 1. **Case Z2837:** Application of Sonoma Ranch Subdivision Ltd. Co. to rezone a
 2 0.25 ± acre tract (K-1) within the Sonoma Ranch East II Master Plan from R-
 3 1b (Single-Family High Density) to C-1C (Commercial Low Intensity-
 4 Conditional) to allow for utility-related land uses - antennas, towers,
 5 communication structures and other vertical structures and public/private
 6 utility installations. The subject property is located south of the future
 7 extension of Sedona Hills Parkway and east of Pagosa Hills Avenue; Parcel
 8 ID# 02-37615; Proposed Use: Communication Structure; Council District 6.

9
 10 Crane: Now we proceed to our item of new business, Case Z2837 and you're
 11 going to make a presentation Mr. Ochoa? Ms. Revels will make a
 12 presentation.

13
 14 Revels: Yes sir. Good evening; I'd like to know if you guys have any specific
 15 questions or would you like to hear a full presentation?

16
 17 Crane: Any commissioner wants the full presentation? Commissioner Beard.

18
 19 Beard: No, but they keep talking about the antennas and towers but there's
 20 nothing mentioned about the size of it. I just wanted to make sure that is
 21 not part of it; we're just changing...?

22
 23 Revels: Right now all we're doing is changing the zone; the zoning needs to be
 24 changed to allow this use. Once the use is established then the
 25 applicant will have to come forward with a special use permit and it will
 26 have to come before Planning and Zoning for approval and that's where
 27 we'll get all of the specifications for the antenna and what type of design
 28 standards that will be put in place with that.

29
 30 Beard: So the actual approval of tonight's proposal is in the future there is
 31 going to be an antenna or something?

32
 33 Revels: The zone change tonight will allow for the use of an antenna or
 34 communication structure or a private or utility land uses.
 35 (CORRECTION: Meant to say "public or private utility land use.") It
 36 allows the land use but this does not in no way or form approve a
 37 placement of a communication structure or tower or anything. It's just
 38 the land use we are approving tonight.

39
 40 Crane: Any other questions for Miss Revels? I have one; we have a couple of
 41 letters as you no doubt know from people in the neighborhood. Do they
 42 know, do they recognize that this is only stage one and that their
 43 objections can be voiced later?

44

- 1 Revels: My letter did inform them that it was a zone change to allow the land
2 use but you know that it would have to be... there is a special use
3 permit process afterwards that has to be followed through on.
4
- 5 Crane: And their reaction was that they understood that? Well you just
6 reassured them?
7
- 8 Revels: Yes and I also notified the neighborhood association that's in this area.
9
- 10 Crane: Alright, thank you. Any input from the applicants? Alright, anything from
11 the commissioners? The public? Very well then we'll close to
12 discussion. In order to have a discussion we have to have a motion I
13 believe. Do I have a motion that Case Z2837 be approved?
14
- 15 Evans: Mr. Chairman, I move that we approve Case Z2837.
16
- 17 Crane: Thank you Commissioner Evans; a second?
18
19 *(Someone speaking away from microphone)*
20
- 21 Crane: Yes, we'll have to read the conditions.
22
- 23 Revels: Commissioner Crane, can I interrupt and read him the condition that
24 staff recommends for approval of this zone change? Staff recommends
25 that the land use is limited to utility related land uses for antennas,
26 towers, communications structures and any other vertical structures and
27 public or private utility installations only.
28
- 29 Crane: Very well, now we're moving that one did you say?
30
- 31 Revels: This is the condition for the zone change. It's only for these items I just
32 read off.
33
- 34 Crane: Okay; so that's part of the motion?
35
- 36 Revels: This is staff's recommendation that it be approved with this condition.
37
- 38 Crane: So Commissioner Evans, would you amend that by saying that the...
39 with the conditions that Miss Revels has brought up and that's in the
40 recommendation?
41
- 42 Evans: Mr. Chairman, I move that we approve Z2837 with the following
43 recommendation: the land use is limited to utility related use for antenna
44 towers, commercial structures and other vertical structures and public,
45 private utility installation.
46

1 Crane: Alright, thank you. Is there a...?

2
3 (Someone speaking away from microphone)

4
5 Revels: Correct, it's communication structures.

6
7 Evans: Excuse me, yeah...

8
9 Crane: Alright, let the record show that the motion includes the word
10 *communication* not *commercial*. Is there a second for the motion?

11
12 Shipley: Second.

13
14 Crane: Alright, Commissioner Shipley seconds; any further discussion
15 gentlemen? Alright then, take a vote, Commissioner Shipley.

16
17 Shipley: Aye; findings, discussion and site visit.

18
19 Crane: Commissioner Stowe.

20
21 Stowe: Aye; findings, site visit and discussions.

22
23 Crane: Commissioner Evans.

24
25 Evans: Aye; findings, discussion.

26
27 Crane: Commissioner Beard.

28
29 Beard: Aye; findings and discussions.

30
31 Crane: And the Chair votes aye; findings, discussion and site visit. Thank you, it
32 passes five-nothing.

End

33
34 **VII. OTHER BUSINESS - None**

35
36 Crane: Miss Revels, any other business?

37
38 Rodriguez: Mr. Chairman, just to remind the Commission that in the month of June
39 you will have a work session on an update on the Vision 2040 process
40 and then we'll also have a regular meeting at the end of June.

41
42 Crane: Thank you; do you have a date for that work session?

43
44 Rodriguez: Mr. Chairman, it will be the third Tuesday of the month.

45
46 Crane: Thank you.

Helen Revels

From: Jeri [Jerioliver@comcast.net]
Sent: Tuesday, May 24, 2011 12:07 PM
To: Helen Revels
Subject: Case Z2837

have a couple objections to the proposed rezoning of that particular parcel of land.

First, I am concerned that the notification reached the entire community. I talked with a couple of my neighbors and they did not receive the notice. One of these persons is currently out of town and I have been collecting their mail since the end of April and can attest to the fact that, while I did get the notice, they definitely did not. Therefore I'm unsure the entire community is aware of this proposed rezoning.

Secondly, my major objection is to placing communication towers so close to an existing neighborhood. Many of these are newer properties, built on selected lots assuming there would be no such eye-sores in their neighborhoods. The application is sufficiently vague as to the exact nature of the tower types, however, I would voice a strong objection in the event it looks like either the towers behind the Jornada Vet location (2399 Saturn Circle @ N. Main) or near the water tower located past Sonoma Ranch Blvd if Lohman Boulevard continued to the east. Even though I am aware of conflicting studies regarding microwaves, erring on the side of caution would suggest it inappropriate to subject existing households to a possible danger posed within a close proximity of microwave towers after the fact of choosing their home sites.

Thank you for your consideration of rejecting this particular zoning application.

Regards,

Jeri L. Oliver
575-652-3415

Helen Revels

182

From: Les VW [lesvw@comcast.net]
Sent: Tuesday, May 24, 2011 12:35 PM
To: Helen Revels
Subject: Sonoma Ranch re-zoning application

After receiving the fact sheet Cases: Z2837, Dated May 9, 20011, I strongly object to the tower being erected in my neighborhood citing health concerns and affecting property value I would not have chosen this part of Las Cruces to live in. If the city knew this then the city should have disclosed this information to the developers and to prospective buyers so we could have made a fully informed decision in selecting a home site. I request that you reject this application.

Thank you for your consideration regarding this mater,

Les Van Winkle

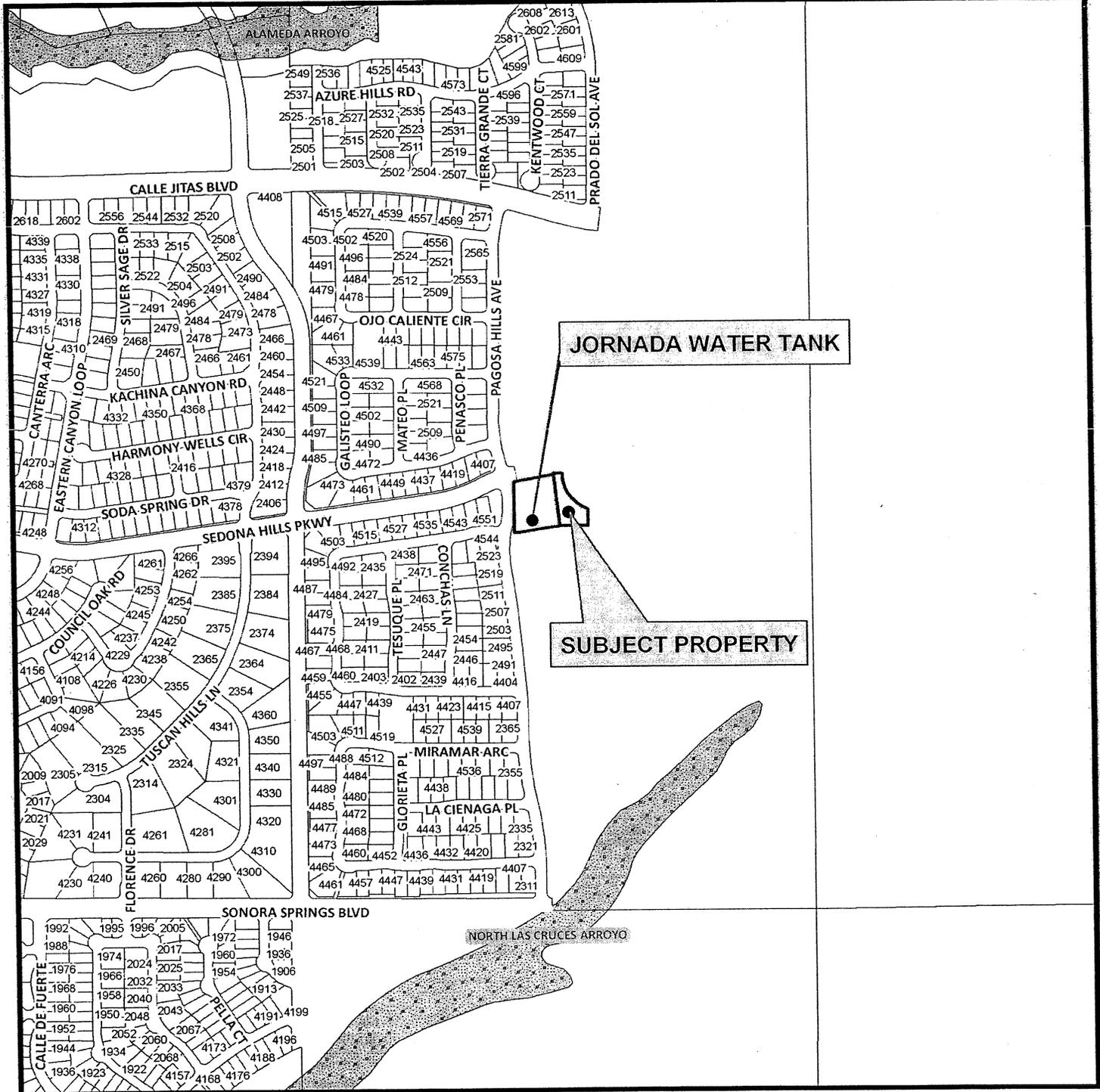
Location Vicinity Map

ZONING: R-1b

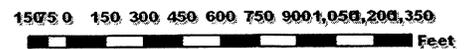
OWNER: SONOMA RANCH SUBDIVISION LTD. CO.

PARCEL: 02-37615

DATE: 05/16/2011



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