City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 16 **Ordinance/Resolution#** 2629

For Meeting of August 1, 2011 (Ordinance First Reading Date) **For Meeting of** August 15, 2011 (Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 1.55 ± ACRES OF LAND LOCATED AT 4790 STERN DRIVE. SUBMITTED BY MARIO MANRIQUEZ ON BEHALF OF A & E ENTERPRISES INC., PROPERTY OWNER (Z2938).

PURPOSE(S) OF ACTION:

Zone change will facilitate compliance for the existing developed lot with the 2001 Zoning Code, as amended.

COUNCIL DISTRICT: 2		
Drafter/Staff Contact: Adam Ochoa	**Department/Section:** Community Development	**Phone:** 528-3204
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a 1.55 ± acre property located on the southwest corner of Stern Drive and Agave Drive, directly east and adjacent to the Tortugas Arroyo. The subject property currently consists of a convenience store with gas pumps, a storage unit facility and a self-service car wash. The applicant is proposing to enclose the existing self-service car wash buildings and turn them into additional storage units on the subject property.

Article 7, Section 38-73 of the 2001 Zoning Code, as amended, states that a non-conforming commercial property must come into compliance when ten percent (10%) or more of the existing gross floor area of all buildings on the property are expanded or altered. The applicant is proposing to structurally alter the existing self-service car wash buildings on the subject property into additional storage units which will exceed the ten percent (10%) threshold. The subject property as a result is required to come into full compliance with the 2001 Zoning Code, as amended. The subject property currently exceeds the 1-acre maximum lot size allowed in the C-2 zoning district. The proposed zone change to C-3 (Commercial High Intensity) will facilitate compliance with the 2001 Zoning Code, as amended.

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 property is located along a designated Minor Arterial roadway where high intensity commercial uses are encouraged and desired. The zone change will facilitate compliance with the 2001 Zoning Code, as amended.

On June 28, 2011, the Planning and Zoning Commission (P&Z) recommended approval for the proposed zone change by a vote of 6-0-0 (one Commissioner absent). There were no comments received by the general public.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A"- Site Plan.
3. Exhibit "B"- Findings and Comprehensive Plan Analysis.
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2938.
5. Attachment "B"- Draft minutes from the June 28, 2011 Planning and Zoning Commission meeting.
6. Attachment "C"- Vicinity Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 1.55± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The zone change facilitates compliance with the 2001 Zoning Code, as amended.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the 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 363.

COUNCIL BILL NO. 12-007
ORDINANCE NO. 2629

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 1.55 ± ACRES OF LAND LOCATED AT 4790 STERN DRIVE. SUBMITTED BY MARIO MANRIQUEZ ON BEHALF OF A & E ENTERPRISES INC., PROPERTY OWNER (Z2938).

The City Council is informed that:

WHEREAS, A & E Enterprises Inc., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located at 4790 Stern Drive; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on June 28, 2011, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity) for property located at 4790 Stern Drive.

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this_____ day of _____ 2011.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

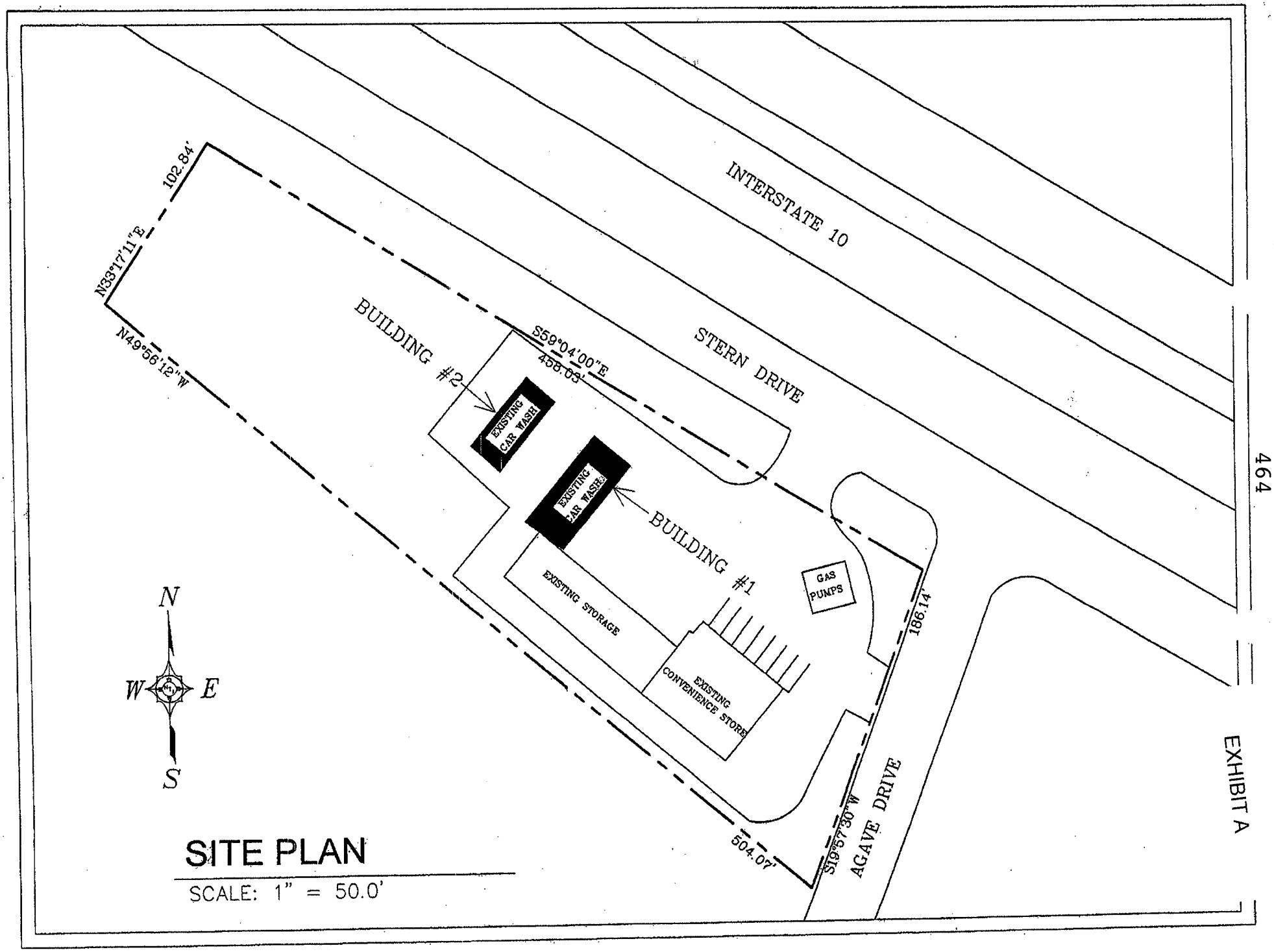

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EXHIBIT A

EXHIBIT B

FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 1.55 ± acres.

2. The subject property is located at the intersection of Stern Drive, a Minor Arterial roadway, and Agave Drive, a Local roadway, as classified by the Metropolitan Planning Organization (MPO).

3. The subject property is currently zoned C-2 (Commercial Medium Intensity) and currently consists of a gas station, a storage unit facility and a self-service car wash.

4. The applicant has submitted a building permit to structurally alter some of the existing structures on the subject property which will exceed the ten percent (10%) threshold to keep the non-conforming statues of the property. The subject property must come into zoning compliance pursuant to Article 7, Section 38-73 of the 2001 Zoning Code, as amended.

5. The proposed zone change will facilitate 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:

<u>Land Use Element, Goal 1 (Land Uses)</u>

Policy 1 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

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

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

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

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

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

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

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

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

ATTACHMENT A

City of Las Cruces®
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: June 20, 2011

CASE #	Z2938
PROJECT NAME:	4790 Stern Drive (Zone Change)
APPLICANT:	Mario Manriquez
PROPERTY OWNER:	A & E Enterprises Inc.
REQUEST:	Zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity).
PROPOSED USE:	A gas station with a convenience store and an expanded storage unit facility
SIZE:	1.55 ± acres
CURRENT ZONING:	C-2 (Commercial Medium Intensity)
LOCATION:	Located on the southwest corner of Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID# 02-22899
COUNCIL DISTRICT:	2
PLANNING COMMISSION DATE:	June 28, 2011
PREPARED BY:	Adam Ochoa, Planner AO
STAFF RECOMMENDATION:	Approval

PROPERTY INFORMATION

Address/Location: Located on the southwest corner of Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID# 02-22899

Acreage: 1.55 ±

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Gas station, storage unit facility and self-services car wash

Proposed Zoning: C-3 (Commercial High Intensity)

Proposed Land Use: Proposing to keep the gas station and storage unit facility and converting the self-service car wash into additional storage units.

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 C-2	
Minimum Lot Size	10,000 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 Property		Gas Station/ Storage Unit Facility/ Self-Service Car Wash	C-2	Commercial Medium Intensity
Surrounding Properties	North	Stern Drive & Interstate 10	N/A	N/A
	South	Single-Family Dwellings	R-1aC	Single-Family Medium Density-Conditional
	East	Vacant/ Undeveloped	A-2	Rural Agricultural District from the 1981 Zoning Code
	West	Vacant/ Undeveloped	C-3C	Commercial High Intensity-Conditional

HISTORY

Previous applications? Yes ☒ No ☐

If yes, please explain: A zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-2 (General Commercial from the 1981 Zoning Code). Passed April 20, 1981.

Previous ordinance numbers? Ordinance 363

Previous uses if applicable: Undeveloped/Vacant

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Objective 5, Policy 5.3

Analysis: The subject property currently exceeds the 1-acre maximum lot size allowed in the C-2 zoning district. The zone change will facilitate compliance with the 2001 Zoning Code, as amended. The subject property is located on Stern Drive, a designated Minor Arterial roadway that can support a high intensity commercial use. Recommendation of approval.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

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

Type of building occupancy: Type S & M

Nearest Fire Station
Distance: 5.00 ± miles
Address: 1199 Foster Road
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐

Additional Comments: Recommendation of approval.

Police Department:
Additional Comments: The police department did not review this application.

Engineering Services:
Flood Zone Designation: Zone X (500 Year Flood Zone)

Development Improvements: N/A

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

Additional Comments: Recommendation of approval.

MPO
Road classifications: Stern Drive is designated as a Minor Arterial roadway and Agave Drive is a Local roadway.

Additional Comments: Recommendation of approval.

Public Transit
Where is the nearest bus stop (miles)? 1.25 ± miles north near the intersection of Stern Drive and Union Avenue.

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

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

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

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

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

If yes, please explain:

Was a TIA required? Yes ☐ No ☒ N/A ☐

If yes, summarize the findings:

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

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

Site Accessibility

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

On-Street Parking Impacts

None ☒ Low ☐ Medium ☐ High ☐ N/A ☐

Explain: On-street parking is not permitted along Stern Drive.

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: 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 ☐

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: Tombaugh Elementary	Distance (miles): 1.07 ± miles	Enrollment: 656
2. Middle School: Zia Middle School	Distance (miles): 2.45 ± miles	Enrollment: 905

3. High School: Las Cruces High School Distance (miles): 02.00 ± miles Enrollment: 2326

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

Explain: No residential development is being proposed, therefore there is 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? 10 How many are accessible? 1

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

If yes, how many parking spaces will be required? 2 parking spaces
How many accessible? 1 parking space

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: A building permit has been conditionally issued. All parking requirements have been verified on the site plan for the building permit.

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?

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?

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: There is an existing bicycle lane on Stern Drive that provides connectivity to a neighborhood park located on Salopek Boulevard.

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

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

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

Table 3: Special Characteristics

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

Table 4: Project Chronology

Date	Action
May 17, 2011	Application submitted to Development Services
May 18, 2011	Case sent out for review to all reviewing departments
May 25, 2011	All comments returned by all reviewing departments
June 1, 2011	Staff reviews and recommends approval of the zone change
June 12, 2011	Newspaper advertisement
June 17, 2011	Public notice letter mailed to neighboring property owners
June 17, 2011	Sign posted on property
June 28, 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 also supported by the 1999 Comprehensive Plan. Article 7, Section 38-73 of the 2001 Zoning Code, as amended, states that a non-conforming commercial property must come into compliance with Code when ten percent (10%) or more of the existing gross floor area of all buildings on the property are expanded or altered. The applicant is proposing to structurally alter some of the existing structures on the subject property which will exceed the ten percent (10%) threshold to keep the non-conforming statues of the property. The subject property is required to come into full compliance with the 2001 Zoning Code, as amended. The proposed zone change to C-3 (Commercial High Intensity) will facilitate compliance with the 2001 Zoning Code, as amended.

FINDINGS

1. The subject property encompasses 1.55 ± acres.

2. The subject property is located at the intersection of Stern Drive, a Minor Arterial roadway, and Agave Drive, a Local roadway, as classified by the Metropolitan Planning Organization (MPO).

3. The subject property is currently zoned C-2 (Commercial Medium Intensity) and currently consists of a gas station, a storage unit facility and a self-service car wash.

4. The applicant has submitted a building permit to structurally alter some of the existing structures on the subject property which will exceed the ten percent (10%) threshold to keep the non-conforming statues of the property. The subject property must come into zoning compliance pursuant to Article 7, Section 38-73 of the 2001 Zoning Code, as amended.

5. The proposed zone change will facilitate 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 without conditions.

DRC RECOMMENDATION

N/A

ATTACHMENTS

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

ATTACHMENT #1

DEVELOPMENT STATEMENT for **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: Edward Hayes

Contact Person: MARIO MANRIQUEZ

Contact Phone Number: (575) 621-7189

Contact e-mail Address: mountviewconstruction@yahoo.com

Web site address (if applicable): _____

Proposal Information

Name of Proposal: _____

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

_____

Location of Subject Property CORNER OF STERN AND AGAVE

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

Acreage of Subject Property: 1.5

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

ONE CONVENIENCE STORE, ONE STORAGE UNIT BUILDING, ONE 4 BAY CAR WASH, ONE 4BAY VACUUM CLEANER CANOPY

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

ONE CONVENIENCE STORE, THREE STORAGE UNIT BUILDINGS

Zoning of Subject Property: C-2

Proposed Zoning (If applicable): C-3

Proposed number of lots 1, to be developed in 1 phase (s).

Proposed square footage range of homes to be built from N/A to N/A

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

ALL STRUCTURES EXISTING

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.)?

N/A

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). N/A

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

Is there existing landscaping on the property? yes

Are there existing buffers on the property? yes

Is there existing parking on the property? Yes ✓ No ___

If yes, is it paved? Yes ✓ No ___

How many spaces? 10 How many accessible? 1

Attachments

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

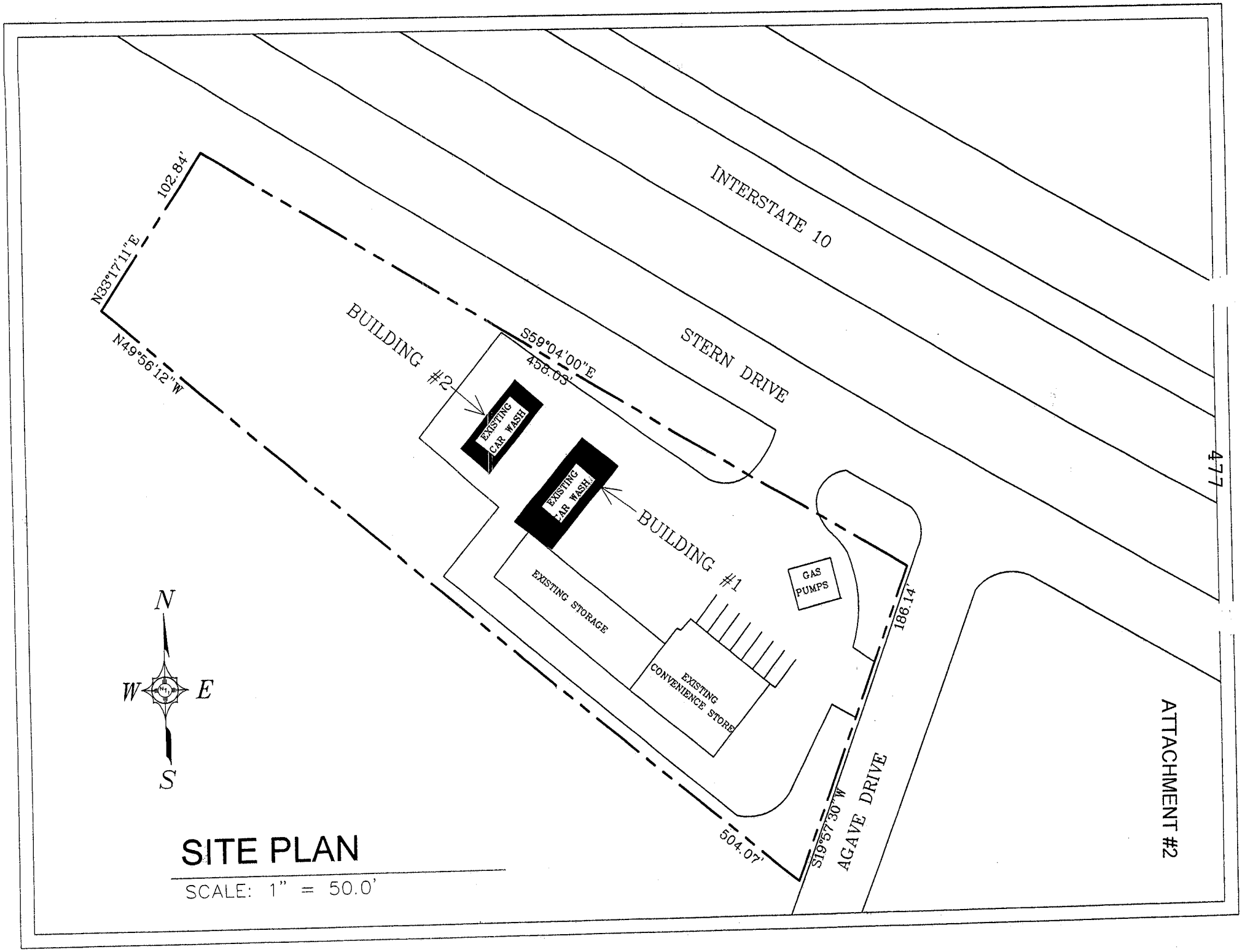
Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information



SITE PLAN

SCALE: 1" = 50.0'

ATTACHMENT #2

ATTACHMENT #3

COMPREHENSIVE PLAN ELEMENTS AND POLICIES

Land Use Element, Goal 1 (Land Uses)

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

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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.

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

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

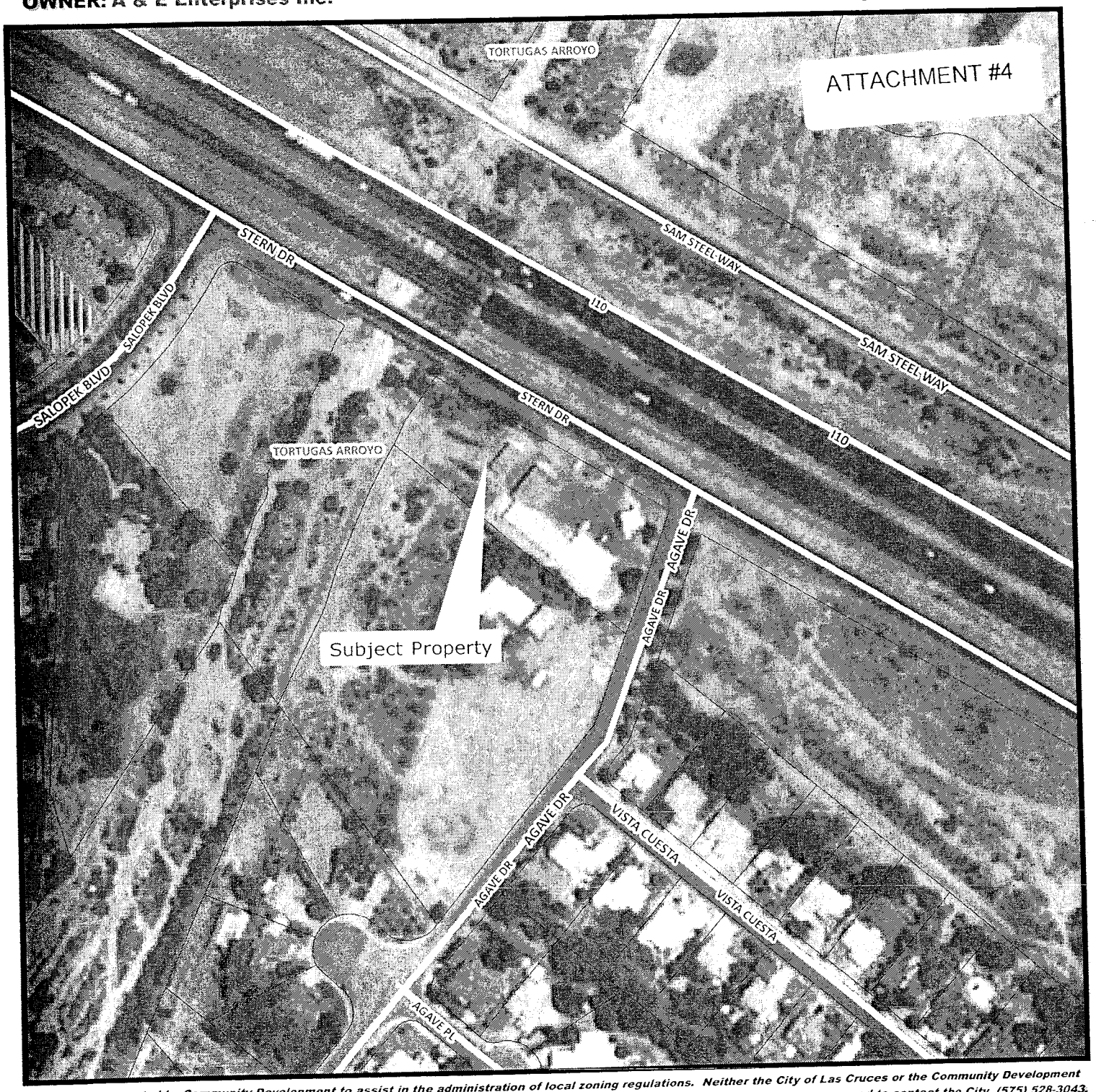
g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

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

ZONING: C-2 to C-3
OWNER: A & E Enterprises Inc.

Aerial View

PARCEL: 02-22899
DATE: 06/20/2011



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

Legend

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

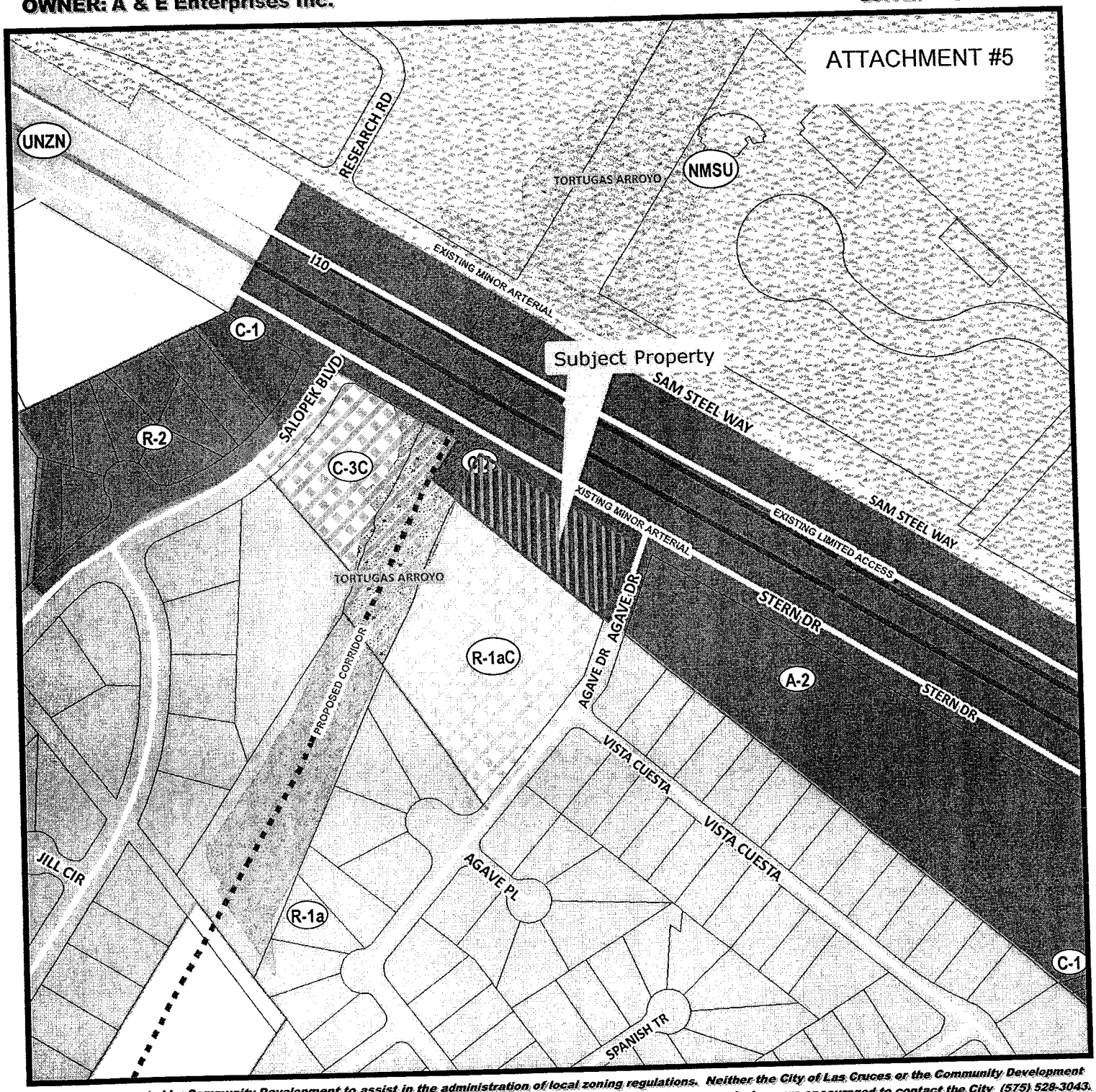
150 75 0 150 300 Feet

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

Zone Map

ZONING: C-2 to C-3
OWNER: A & E Enterprises Inc.

PARCEL: 02-22899
DATE: 06/20/2011



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Legend

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

150 75 0 150 300 450 Feet

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
June 28, 2011 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member
William Stowe, Member
Donald Bustos, Member

BOARD MEMBERS ABSENT:
Shawn Evans, Chairman

STAFF PRESENT:
Cheryl Rodriguez, Development Services Administrator
Adam Ochoa, Acting Senior Planner
Lorenzo Vigil, Acting Assistant Planner
Billy Chaires, Fire Department
Jared Abrams, CLC Legal Staff
Bonnie Ennis, Recording Secretary

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I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Planning and Zoning Commission for Tuesday, June 28, 2011. My name is Charlie Scholz. I'm the Chair of the Commission. I want to introduce my other Commission members. On my far right is Commissioner Shipley. He's the Mayor's appointment. Next to him is Commissioner Crane. He represents District 4. Next to him is Commissioner Stowe, representing District 1. Next to him is Commissioner Bustos, District 3. On my immediate right is the Secretary of the Board. I forgot to mention; Commissioner Crane is our Vice Chair. Charles Beard is our Secretary and he represents District 2 and I am the appointee for Council District 6.

II. APPROVAL OF MINUTES – May 24, 2011

Scholz: Okay, the first order of business is always the approval of the minutes. Are there any additions or corrections to the minutes? I wasn't here that time so you guys will have to work on that. Commissioner Shipley? No? Okay. Anyone?

Shipley: I so move to approve the minutes.

- Tract R, 7.806 ± acres, from A-1 (Flood Control) to R-3 (Multi-Dwelling Medium Density)

Scholz: All right, our next order of business is a postponement and it says "indefinitely." I wonder about that. Are you going to handle this, Mr. Ochoa, or should we just move to...? Yes, we'll simply move to postpone. Do I hear a motion to postpone? These are Case Z2814 and S-09-053.

Shipley: I so move to approve those cases.

Scholz: I'm sorry, you move to postpone.

Shipley: Indefinitely, yes.

Scholz: Yes, okay. Is there a second?

Stowe: Second.

Scholz: Okay, Stowe seconds. All those in favor of postponing say aye.

All: Aye.

Scholz: Those opposed same sign. Okay, the motion carries so those are postponed.

2. **Case S-09-053:** Application of Underwood Engineering on behalf of Eddie Binns for a major amendment to the Rancho Del Rey Master Plan for 279.438 ± acres. The master plan amendment involves 23 planning parcels and proposes a dwelling unit range of 2,977 to 3,214 dwelling units. The amendment proposes to adjust existing planning parcel boundaries to be in concert with proposed zone changes. The property is located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey master planned area.; Parcel ID# 02-38952 and 02-07938; Proposed Use: Single-family/multi-family residential, commercial and industrial; Council District 5.

IV. CONSENT AGENDA

Those items on the consent agenda will be voted by one motion with the acceptance of the agenda. Any Planning and Zoning Commissioner, Staff or member of the public may remove an item from the consent agenda for discussion by the commission.

1. **Case Z2938:** Application of Mario Manriquez on behalf of A&E Enterprises Inc. to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial

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High Intensity) on a 1.55 ± acre tract located on the southwest corner of Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID# 02-22899. Proposed Use: Existing Gas Station, Storage Unit Facility and Self-Service Car Wash; Council District 2.

2. **Case S-11-018:** Application of Ken Thurston for a dedication plat for 290 ± linear foot segment of Sonoma Ranch Boulevard. The subject property is located north of the intersection of Las Colinas Drive and south of the southern property boundary of Monte Sombra Estates Subdivision. Proposed Use: Public Right-of-Way; Council District 5.

Scholz: Okay, our next order of business is the consent agenda and here's how the consent agenda works. There are a couple of items on the consent agenda, Case Z2938 and Case S-11-018 and what we do is we ask if there's anyone on the staff or anyone on the Commission or anyone in the audience who would like to speak to these items. If there is then we'll put them as the first items under new business. If not, then we'll take a single vote and that will approve these items. Anyone wish to Case Z2938 or Case S-11-018? All right, then I'll ask for a motion to approve the consent agenda.

Shipley: I so move to approve the consent agenda.

Scholz: Okay, Shipley moves. Is there a second?

Beard and Crane: Second.

Scholz: Okay, and a tie for second, again. All those in favor say aye.

All: Aye.

Scholz: Those opposed same sign. All right, the consent agenda is approved.

V. OLD BUSINESS - None

VI. NEW BUSINESS

1. **Case Z2831:** Application of Kirk M. Clifton on behalf of Sandra Espiritu to rezone from R-1a (Single-Family Residential Medium Density) to O-1 (Office, Neighborhood-Limited Retail Service) on a 0.30 ± acre tract located on the west side of Solano Drive 160± feet south of its intersection with Milton Avenue; a.k.a. 2220 South Solano Drive; Parcel ID# 02-19890. Proposed Use: Neighborhood Office Uses with Limited Retail Service. Council District 2.

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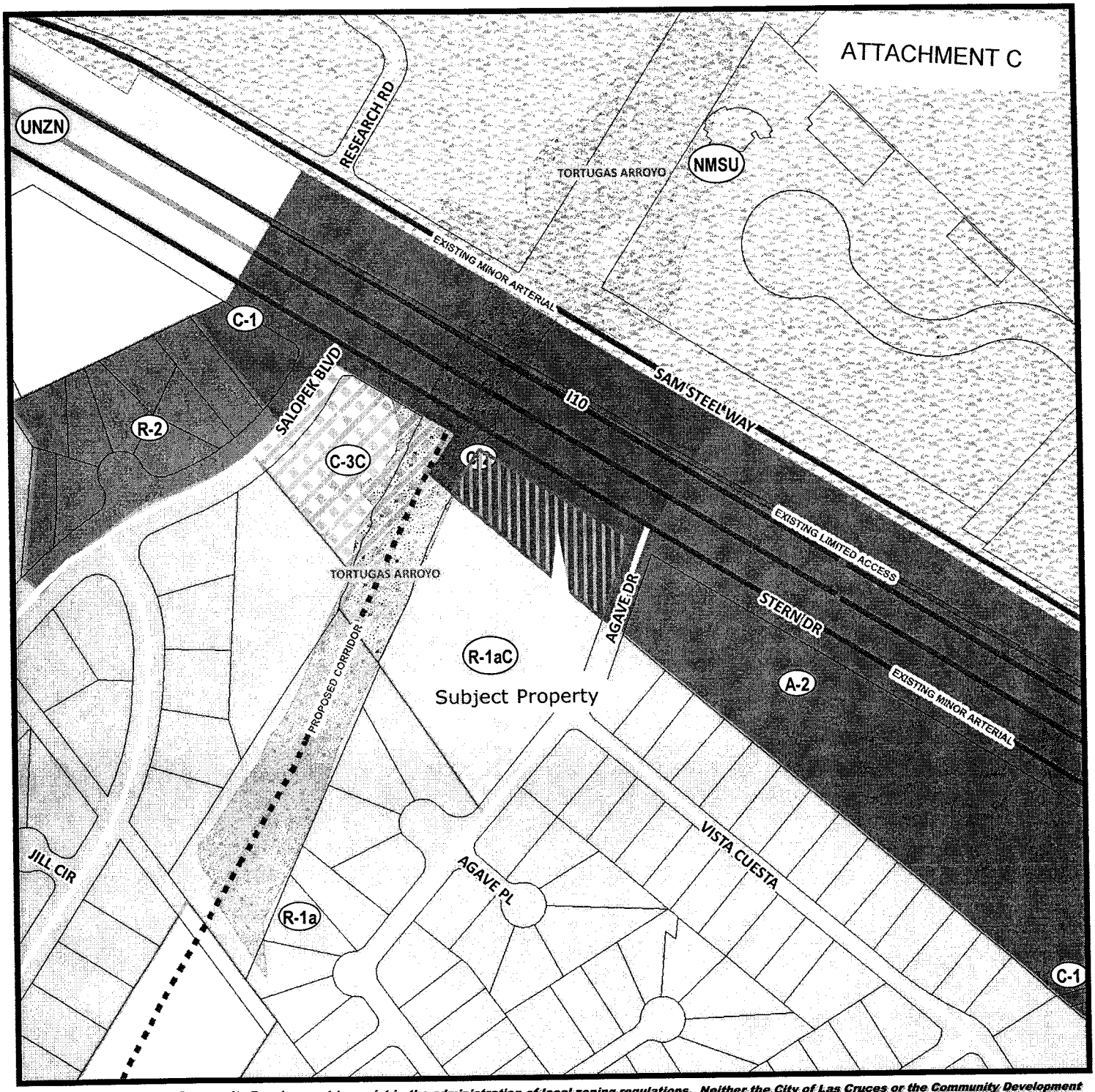
ZONING: C-2 TO C-3
OWNER: A & E Enterprises Inc.

Zone Map

PARCEL: 02-22899
DATE: 07/15/2011



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

Legend

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

150 75 0 150 300 Feet

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