

# City of Las Cruces®

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## Council Action and Executive Summary

Item # 20 Ordinance/Resolution# 2633

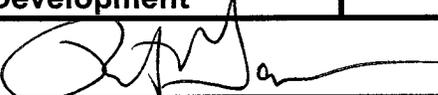
For Meeting of September 6, 2011  
(Ordinance First Reading Date)

For Meeting of September 19, 2011  
(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 7.10 ± ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF BATAAN MEMORIAL WEST AND MORNINGSIDE ROAD; PARCEL ID# 02-22393 AND 02-22394. SUBMITTED BY MANUEL AND MARTHA MORENO, RAFAEL E. MARQUEZ, PROPERTY OWNERS (Z2839).

### PURPOSE(S) OF ACTION:

A zone change to allow for a convention center/exhibition hall only.

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

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The subject property consists of two separate tracts of land and is located at the northeast corner of Bataan Memorial West and Morningside Road. The property also has frontage on a portion of Lemo Road, an undeveloped roadway adjacent to the northern boundary of the property. The subject property is currently vacant, undeveloped land.

The owner proposes to replat the two existing tracts of land into one new lot. The first tract of land consists of 0.74 ± acres and fronts Bataan Memorial West; the other tract consists of 6.37 ± acres and fronts Morningside Road. Both properties are currently zoned C-2 (Commercial Medium Intensity). The C-2 zoning designation was approved as part of the East Mesa/US 70 Annexation on March 17, 1986. Under the 1981 Zoning Code, the C-2 zoning designation allowed for the use of a convention center/exhibition hall by right; however, under the current 2001 Zoning Code, as amended, a convention center/exhibition hall is not an allowed use in the C-2 zoning designation. The applicant is proposing to rezone the two tracts of land totaling 7.10 ± acres to C-3C (Commercial High Intensity-Conditional) for a proposed convention center/exhibition hall.

If the zone change is approved, any new development will be required to follow all C-3 development standards and all other applicable City development codes. The majority of the properties adjacent to the proposed development are zoned C-2 but are being utilized for residential purposes; therefore, adequate buffering will need to be provided to buffer the proposed commercial use (noise, light) from the residential uses. The proposed zone change is conditioned to allow convention center/exhibition hall uses only to prevent other high intensity commercial uses to be developed at this location next to the current residential uses.

The proposed zone change is supported by elements of the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES packet. The subject property is situated between two local roadways (Morningside Drive and Lemo Road) and a Minor Arterial roadway (Bataan Memorial West). High intensity commercial uses are encouraged along the frontage of Bataan Memorial West by the Comprehensive Plan; this can be achieved by replatting the two tracts of land into one distinct lot. Staff also strongly recommends conformance to Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 for the proposed development to help mitigate the mixed land uses between the proposed commercial use and the existing residential land uses. A suggested mitigation technique would be to create a 10-foot wide bufferyard with an opaque screen from the ground to a height of six-feet with intermittent visual openings from the opaque portion to a height of at least 20-feet.

On July 26, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval for the zone change request by a vote of 7-0-0. The conditions are stipulated as follows: (1) Land use for the proposed C-3 (Commercial High Intensity) zoning designation is limited to convention center/exhibition hall use only; (2) The developer shall comply with all requirements of the 2001 Zoning Code, as amended including adequate buffering between the proposed development and the residential uses to the north and east; (3) Tall shade trees around the perimeter of the property shall be required to help buffer the proposed use from the residential uses adjacent to the property; (4) The developer shall comply with Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 to help mitigate the mixed land uses; (5) Access to the proposed C-3 property shall be from Bataan Memorial West only. Morningside Road shall be used for emergency services only. No commercial access shall be permitted off Lemo Road for the proposed C-3 property; and (6) All new utilities shall be placed underground. No public comments were received.

Though staff and P&Z recommended the abovementioned conditions, upon further review staff is recommending that City Council consider eliminating conditions 2, 3, and 4. These conditions are 2001 Zoning Code requirements and do not need to be development conditions. In addition, staff is recommending that condition 5 be restated to read "Primary access to the proposed C-3 property be from Bataan Memorial West only and secondary access to Morningside Road be reserved for emergency services only." The attached Ordinance is drafted as recommended by P&Z; however, staff will be prepared to substitute an amended Ordinance.

A written public comment was received prior to the Planning & Zoning Commission meeting expressing concerns regarding the proposed development (see Attachment "C"). There was also



**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject properties encompassing 7.10 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional). The zone change will allow for convention center/exhibition hall use only 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 C-2 (Commercial Medium Intensity) will remain on the subject properties and convention center/exhibition hall uses will not be allowed. Parcel 02-22394 will continue to exceed the maximum one acre requirement for the C-2 zoning district. Any new construction on this parcel will require the property to be brought into compliance with the 2001 Zoning Code, as amended.
3. Vote to "Amend" and vote "Yes"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION:**

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

1. Ordinance No. 695

COUNCIL BILL NO. 12-011  
ORDINANCE NO. 2633

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 7.10 ± ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF BATAAN MEMORIAL WEST AND MORNINGSIDE ROAD; PARCEL ID# 02-22393 AND 02-22394. SUBMITTED BY MANUEL AND MARTHA MORENO, RAFAEL E. MARQUEZ, PROPERTY OWNERS (Z2839).**

The City Council is informed that:

**WHEREAS**, Manuel and Martha Moreno and Rafael E. Marquez, 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 7.10 ± acres located at the northeast corner of Bataan Memorial West and Morningside Road; Parcel ID# 02-22393 and 02-22394; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on July 26, 2011, recommended that said zone change request be approved conditionally by a vote of 7-0-0.

**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 7.10 ± acres located at the northeast corner of Bataan Memorial West and Morningside Road; Parcel ID# 02-22393 and 02-22394.

**(II)**

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

- Land use for the proposed C-3 (Commercial High Intensity) zoning designation is limited to convention center/exhibition hall only.
- The developer shall comply with all requirements of the 2001 Zoning Code, as amended including adequate buffering between the proposed development and the residential uses to the north and east.
- Tall shade trees around the perimeter of the property shall be required to help buffer the proposed use from the residential uses adjacent to the property.
- The developer shall comply with Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 to help mitigate the mixed land uses.
- Access to the proposed C-3 property shall be from Bataan Memorial West only. Morningside Road shall be used for emergency services only. No commercial access shall be permitted off Lemo Road for the proposed C-3 property.
- All new utilities shall be placed underground.

**(III)**

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

**(IV)**

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

(V)

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

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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:	_____



## Z2839 COMP PLAN ANALYSIS

### Land Use Element (Commercial Uses) Goal 1

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

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

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

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

#### Objective 5:

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

Policy 5.3.1 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

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

- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.
- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

### **Urban Design (Design) Goal 3**

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

#### **Objective 9:**

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

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

- a. ~~The topography and slope of a site should be maintained in its natural state.~~
- b. Encourage a balance between open space and development.
- c. Encourage variation in setbacks and structure spacing as a means of avoiding monotony and unity.

**Objective 10:**

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

**Policy 3.10.5**

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

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

- (4) Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.
- c. Mitigation techniques and landscaping and distance requirements should be followed when a business registration, zone change, or new construction creates adjacent land uses which differ from one another. The use which is creating the change should mitigate any possible problems between other land uses using the techniques listed below.
- d. Specific landscaping regulations will be found in lower level planning documents.

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Planning & Zoning  
Commission  
Staff Report

Date: July 19, 2011

**CASE #** Z2839

**PROJECT NAME:** Las Cruces Special Events Center

**APPLICANT:** Manuel and Martha Moreno, Rafael E. Marquez

**PROPERTY OWNER:** Manuel and Martha Moreno, Rafael E. Marquez

**REQUEST:** To rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)

**PROPOSED USE:** Special Events Center

**SIZE:** 7.10 ± acres

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

**LOCATION:** Located east of Morningside Drive and north of Bataan Memorial West; a.k.a. 0 Bataan Memorial West and 0 Morningside Road; Parcel ID# 02-22393 and 02-22394

**COUNCIL DISTRICT:** 5

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

**PREPARED BY:** Helen Revels, Associate Planner *HR*

**STAFF RECOMMENDATION:** Approval with Conditions

**PROPERTY INFORMATION**

Address/Location: Located east of Morningside Drive and north of Bataan Memorial West; a.k.a. 0 Bataan Memorial West and 0 Morningside Road; Parcel ID# 02-22393 and 02-22394

Acreage: 7.10 ± acres

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Vacant, undeveloped land

Proposed Zoning: C-3 (Commercial High Intensity)

Proposed Land Use: Special Events Center

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 (Commercial Medium Intensity)	
Minimum Lot Size	10,000 square feet
Maximum Lot Size	43,560 square feet
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	45 feet
Development Standards for Proposed Zoning of C-3 (Commercial High Intensity)	
Minimum Lot Size	21,780
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	60 feet

**PHASING**

Is phasing proposed? Yes  No

If yes, how many phases?

## ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Vacant, undeveloped land	C-2	Commercial Medium Intensity
Surrounding Properties	North	Single-family residential use	R-1aM, C-2	Single-Family Medium Density Mobile, Commercial Medium Intensity
	South	US Highway 70, Commercial Use	C-2	Commercial Medium Intensity
	East	Single-family residential use, Commercial Use	C-2	Commercial Medium Intensity
	West	Single-family residential use	R-1aM, C-2	Single-Family Medium Density Mobile, Commercial Medium Intensity

## HISTORY

Previous applications? Yes  No

If yes, please explain: An Ordinance Establishing an Initial Zoning of C-2 on a Certain Parcel of Land Located North of Highway 70 and East of Porter Drive in T22S, R2E, Sec. 13 – approved March 17, 1986.

Previous ordinance numbers? Ordinance 695

Previous uses if applicable: N/A

## COMPREHENSIVE PLAN

Elements & Policies

## Land Use Element – Commercial Use

1. Goal 1, Policy 1.5.3

## Urban Design Element

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

Analysis: The zone change request to provide C-3 zoning and access to Bataan Memorial West for an otherwise landlocked approximate 7-acre parcel of land. The resulting parcel is intended to be used as an events center. This is an allowed use in C-3 zones and staff has no objections to this zone change.

Several policies listed above address the issue of compatibility with different adjacent uses. The proper buffering and landscaping will be essential when the commercial property is developed. Medium intensity commercial zoning is immediately surrounding the parcel, but beyond that, the area is sparsely populated residential. It will be important to buffer noise, lights and traffic to the greatest extent possible; tall shade trees around the perimeter of the property would be an

attractive way to help accomplish this. <sup>541</sup> Staff also strongly recommends conformance to Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 for this proposed development; focusing on the policies listed below to help mitigate the mixed land uses:

1. New development should be compatible with the architectural style in the surrounding area.
2. New development should respect building height, scale, bulk and setbacks found in the surrounding area.
3. Any high intensity use locating adjacent to a lower intensity use should be oriented and designed in a sensitive manner. Development which is/are located adjacent to public streets should also be oriented and designed in a sensitive manner.
  - a. Place parking areas away from adjacent residential uses when appropriate. All parking areas should use landscaping and distance techniques to buffer differing uses and when viewed from public streets.
  - b. Screen delivery areas, loading zones, waste receptacle and pick-up areas, and any outside evidence of plumbing, electrical, and/or mechanical equipment from view by buffers, landscaping, architectural techniques, and other design measures.
  - c. Landscape blank walls and fences which face streets or adjoining properties to soften their harsh, stark effects or provide pedestrian scale facades on all sides of the building (windows, doors, landscaping, and fine grain detail in materials).
  - d. Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.

**REVIEWING DEPARTMENT COMMENTS**

Fire Prevention:

Accessibility Issues	low	med	high
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: Assembly

Nearest Fire Station

Distance: 0.25 miles

Address: 5998 Bataan Memorial East

Adequate Capacity to Accommodate Proposal? Yes  No

Explain: A computer model fireflow analysis may be required for new commercial construction and will be determined during the building permit process.

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

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone X\*

\* Be advised that the properties are located in proposed Flood Zone AE; please contact J. D. Padilla at 528-3131 for more information

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

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

MPO

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

Additional Comments: Recommendation of approval

Public Transit

Where is the nearest bus stop (miles)? 0.17 ± 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: When the lot is developed via a building permit, an access permit from NMDOT is required for direct access from Bataan Memorial West. The maximum allowed width of entrance is 30 feet containing one lane for entrance and one for exit. Recommendation of approval

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? A TIA is not required at this time, but will be required when the property is developed. A preliminary TIA was prepared and demonstrated that the use would generate moderate traffic numbers; however, the majority to the peak traffic would be occurring during off peak hours. Peak times are Monday through Friday, mornings 7:00 – 8:00 a.m., midday 12 noon – 1 p.m., and afternoons 4:00 – 6:00 pm. The report was approved.

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

Site Accessibility

Adequate driving aisle	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Adequate curb cut	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Intersection sight problems	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Off-street parking problems	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

On-Street Parking Impacts

None  Low  Medium  High  N/A

Explain:

Future Intersection Improvements

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

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

Water Availability and Capacity:

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

Additional Comments: A large fire flow requirement could make system improvements necessary. 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 <sup>544</sup>septic, please specify review comments by the New Mexico Environmental Department:

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval.

Gas Utilities

Gas Availability

Natural gas service available? Yes  No  N/A

If yes, is the service capable of handling the increased load? Yes  No

Need BTUH requirements? Yes  No  N/A

Public Schools

Nearest Schools:

- |                                       |                          |
|---------------------------------------|--------------------------|
| 1. Elementary: Monte Vista Elementary | Distance (miles): 1.88 ± |
| Enrollment: 386                       |                          |
| 2. Middle School: Mesa Middle School  | Distance (miles): 1.92 ± |
| Enrollment: 429                       |                          |
| 3. High School: Onate High School     | Distance (miles): 1.25 ± |
| Enrollment: 2,075                     |                          |

Adequate capacity to accommodate proposal? Yes  No  N/A

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

**DESIGN STANDARDS ANALYSIS**

Parking

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

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

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

If yes, how many parking spaces will be required? Auto parking calculations for an events center is based on maximum occupancy and requires one auto parking stall for every three to five people. The number of parking spaces required will be verified during the building permit process.

How many accessible? Will be verified at time of building permit process

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: Bicycle parking calculations for an events center is based on maximum occupancy also and will be verified during the building permit process.

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? When subject properties are combined into one distinct lot and 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. Fifteen percent (15%) of the total parking area shall be landscaped; this will be verified during building permit process.

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? When subject properties are combined into one distinct lot and developed, the subject property shall comply with the buffer requirements of the 2001 Zoning Code, as amended and any other applicable City of Las Cruces requirements. A bufferyard is required along the north and east side of the property and shall consist of either a 15 foot semi-opaque screen or a 10 foot opaque screen to separate the commercial use from the residential uses to the north and east sides of the property. This will be verified during the building permit process.

Open Space, Parks, Recreation and Trails

Are there presently any existing open space areas, parks or trails on or near the subject property? Yes  No  N/A

If yes, how is connectivity being addressed? Explain:

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

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

Explain: When

**Table 3: Special Characteristics**

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

**Table 4: Project Chronology**

Date	Action
06/03/2011	Application submitted to Development Services
06/10/2011	Case sent out for review to all reviewing departments
06/23/2011	All comments returned by all reviewing departments
07/07/2011	Staff reviews and recommends approval of the zone change
07/10/2011	Newspaper advertisement
07/13/2011	Public notice letter mailed to neighboring property owners
07/15/2011	Sign posted on property
07/26/2011	Planning and Zoning Commission public hearing

## SUMMARY AND CONCLUSIONS

The proposed zone change will allow the proposed events center use only. The current zoning designation of the two tracts of land is C-2 (Commercial Medium Intensity). The C-2 zoning designation was approved as part of the East Mesa/US 70 Annexation on March 17, 1986. Under the 1981 Zoning Code, the C-2 zoning designation allowed for an events center by right; however, under the current 2001 Zoning Code, an event center is not an allowed use in the C-2 zoning designation. The applicant is proposing to rezone the two tracts of land totaling 7.10 + acres to C-3 (Commercial High Intensity) for a proposed special events center. The tracts of land are located east of Morningside Drive and north of Bataan Memorial West.

The subject property shall be replatted to create one distinct lot for the proposed events center. The replat process will not require any roadway improvements or ROW dedication for Lemo Drive or Morningside Road, local roadways since the replat doesn't create any additional lots. The access for the proposed events center will be from Bataan Memorial West, a minor arterial roadway requiring 100' of ROW. Morningside Road, a local roadway, is located on the west side of the proposed development and requires 50' of ROW; currently the ROW varies in width, this roadway will be used for emergency service vehicles only. Lemo Drive, a local roadway is located on the north side of the proposed development and requires 50' of ROW; currently the ROW varies in width. The pavement for this roadway currently ends at Morningside Road; no access to this proposed development will be allowed from this unimproved roadway.

A bufferyard is required along the north and east side of the property and shall consist of either a 15 foot semi-opaque screen or a 10 foot opaque screen to separate the residential uses from the commercial use. Fifteen percent (15%) of the total parking area shall also be landscaped. Any new development on the proposed C-3 lot will require conformance to the 2001 City of Las Cruces Zoning Code and any other applicable City of Las Cruces requirements and will be verified during the building permit process.

The Comprehensive Planning Staff is supportive of the proposal. However, since surrounding land uses are mainly residential, staff recommends that the buffering requirement include tall shade trees around the perimeter of the property. Staff also strongly recommends conformance to Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5; focusing on the policies listed below for the proposed development to help mitigate the mixed land uses:

1. New development should be compatible with the architectural style in the surrounding area.
2. New development should respect building height, scale, bulk and setbacks found in the surrounding area.
3. Any high intensity use locating adjacent to a lower intensity use should be oriented and designed in a sensitive manner. Development which is/are located adjacent to public streets should also be oriented and designed in a sensitive manner.

- a. Place parking areas away from adjacent residential uses when appropriate. All parking areas should use landscaping and distance techniques to buffer differing uses and when viewed from public streets.
- b. Screen delivery areas, loading zones, waste receptacle and pick-up areas, and any outside evidence of plumbing, electrical, and/or mechanical equipment from view by buffers, landscaping, architectural techniques, and other design measures.
- c. Landscape blank walls and fences which face streets or adjoining properties to soften their harsh, stark effects or provide pedestrian scale facades on all sides of the building (windows, doors, landscaping, and fine grain detail in materials).
- d. Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.

## FINDINGS

1. The subject properties are located east of Morningside Drive and north of Bataan Memorial West; a.k.a. 0 Bataan Memorial West and 0 Morningside Road; Parcel ID# 02-22393 and 02-22394 and encompasses 7.10 ± acres. The two tracts are currently vacant, undeveloped land.
2. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) would allow the use of an events center only.
3. Primary access to the proposed events center will be Bataan Memorial West, a Minor Arterial roadway; Morningside Road, a local roadway shall serve as access for emergency services only and there shall be no access from Lemo Drive, a local roadway.
4. A bufferyard is required along the north and east side of the property and shall consist of either a 15 foot semi-opaque screen or a 10 foot opaque screen to separate the residential uses from the commercial use.
5. Fifteen percent (15%) of the total parking area shall also be landscaped.
6. Staff recommends that the buffering requirement include tall shade trees around the perimeter of the property to help buffer noise, lights and traffic from the adjacent residential uses.
7. Staff also strongly recommends conformance to Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 to help mitigate the mixed land uses.
8. A computer model fireflow analysis may be required for new commercial construction and will be determined during the building permit process.
9. A final plat shall be submitted for the subject properties to replat the two lots into one distinct lot.
10. The rezoning request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

**STAFF RECOMMENDATION**

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

1. Land use for the proposed C-3 (Commercial High Intensity) zoning designation is limited to an events center only.
2. The developer shall comply with all requirements of the 2001 Zoning Code, as amended including adequate buffering between the proposed development and the residential uses to the north and east.
3. Tall shade trees around the perimeter of the property shall be required to help buffer the proposed use from the residential uses adjacent to the property.
4. The developer shall comply with Urban Design Element of the Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 to help mitigate the mixed land uses.
5. Access to the proposed C-3 property shall be from Bataan Memorial West only. Morningside Road shall be used for emergency services only. No commercial access shall be permitted off Lemo Drive for the proposed C-3 property.
6. All new utilities shall be place underground.

**DRC RECOMMENDATION**

N/A

**ATTACHMENTS**

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

549

## 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: MANUEL/MARTHA MORENO, RAFAEL E. MARQUEZ

Contact Person: MANUEL MORENO

Contact Phone Number: 575-382-3949

Contact e-mail Address: \_\_\_\_\_

Web site address (if applicable): NONE

### Proposal Information

Name of Proposal: LAS CRUCES SPECIAL EVENT CENTER

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

COMMERCIAL

Location of Subject Property HWY 70 & MORNING SIDE ROAD

(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: 0.371 AC + 0.737 AC

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

EXISTING PROPERTY IS UNDEVELOPED

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

RENTAL CENTER FOR SPECIAL EVENTS, PRIVATE PARTIES,  
WEDDINGS, RECEPTIONS, QUINCENARIAS, CONCERTS ETC.

Zoning of Subject Property: C-2

Proposed Zoning (If applicable): C-3

Proposed number of lots 2, to be developed in 1 phase (s).

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

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

APPROX. 23,200 SQ. FT.

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

AFTERNOONS, EVENINGS USUALLY - TBD

Anticipated traffic generation VARIES IN USE 150 TO 300 trips per day.

Anticipated development schedule: work will commence on or about LATE 2011  
and will take 8 MONTHS to complete.

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

DEVELOPED RUNOFF TO BE PONDED

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). PERIMETER ROCK WALLS, LANDSCAPE

ENTRIES, MEDIANS

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? NO

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



## Z2839 COMP PLAN ANALYSIS

### Land Use Element (Commercial Uses) Goal 1

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

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

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

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

#### Objective 5:

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

**Policy 5.3.1** High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

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

- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.
- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

### **Urban Design (Design) Goal 3**

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

#### **Objective 9:**

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

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

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

**Objective 10:**

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

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

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

- (4) Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.
- c. Mitigation techniques and landscaping and distance requirements should be followed when a business registration, zone change, or new construction creates adjacent land uses which differ from one another. The use which is creating the change should mitigate any possible problems between other land uses using the techniques listed below.
- d. Specific landscaping regulations will be found in lower level planning documents.

# Liley Engineering Inc.

5160 Calle Bellisima Las Cruces, New Mexico 88011  
Office/Fax (575) 521-0006

May 30, 2011

Dan Soriano  
Traffic Department  
City of Las Cruces  
Las Cruces, New Mexico 88004

RE: ZONE CHANGE FOR MORENO PROPERTY

Mr. Soriano,

On behalf of the applicant, Manuel Moreno, I have prepared this brief analysis of the potential traffic flows and the impact of the proposed development on the existing infrastructure. The property is currently vacant land in natural conditions. Proposed utilization of the property is a 23,000 sf meeting place/dance hall available for rental.

The following conditions are considered when analyzing the impact on the surrounding roadway network:

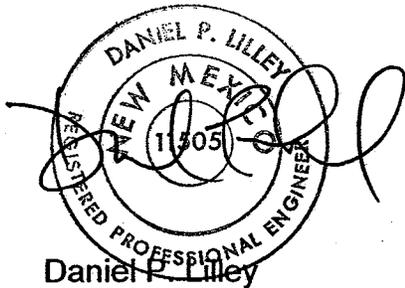
- Complete buildout of the 23,000 sf facility would potentially have parking area for 230 - 350 vehicles (based upon min and max per CLC Zoning Code).
- Peak hours of operation for this type of facility do not typically coincide with the peak hour of adjacent traffic, especially for larger events.
- Existing zoning would allow for several individual commercial properties whose activities would more closely coincide with adjacent peak hour traffic.
- According to CLC 2010 traffic counts, the 48 hour, unadjusted volume is 657 vehicles in this segment of Bataan Memorial West (BMW). The unadjusted peak hour (AM) is 137 (first day, with PH = 127 on second day). This indicates that over 40% of the total daily traffic volume occurred during the AM peak hour. The corresponding PM peak hour is 69 vehicles. Combined AM and PM peak hour traffic accounts for over 60% of the total daily traffic volume.
- Although this site will have the capacity for 350 vehicles during the maximum use time frame, it is not expected to utilize more than 50% of the capacity more than bimonthly.
- The access to BMW, either directly or via Morningside Drive, will be right-in, right-out only. There will be an alternate route via Morningside Drive, Lemo Road, then Porter Drive.
- ~~Morningside and Lemo are paved roads, maintained by the City of Las Cruces.~~ Bataan Memorial West is a paved road, one-way, two lanes, maintained by NMDOT. Both Morningside and Lemo have adequate width and lane capacity for over 300 vehicles per hour without reducing the level of service below LOS B and 500 vehicles per hour for BMW without dropping below LOS C, which is an acceptable level. The use of lane capacity for

Morningside and Lemo is for free flow situations and provided for information purposes only. This is secondary to the turning movements onto BMW.

- Taking the BMW existing, background traffic estimated to be 40 trips during the peak operational hour and adding a potential 350 vehicles entering or exiting the site for the largest event the facility could accommodate, turning movements at BMW would have minimal effect on through traffic.
- Typical arrivals and departures for events are sporadic and often occur over a span of two or more hours.
- The infrastructure will have the capacity to accommodate the maximum traffic expected at the site.
- The asphalt pavement surface of both access roads appears to be in very good condition and more than adequate for the traffic expected.

Existing traffic movements during operational peak hours on a weekday and on Saturday are minimal compared to the capacity of the roadways analyzed. I believe that the existing infrastructure and traffic patterns will not be adversely affected to a point of reducing the level of service below acceptable levels. If there are any questions or concerns, please contact me.

Sincerely,



Daniel P. Lilley

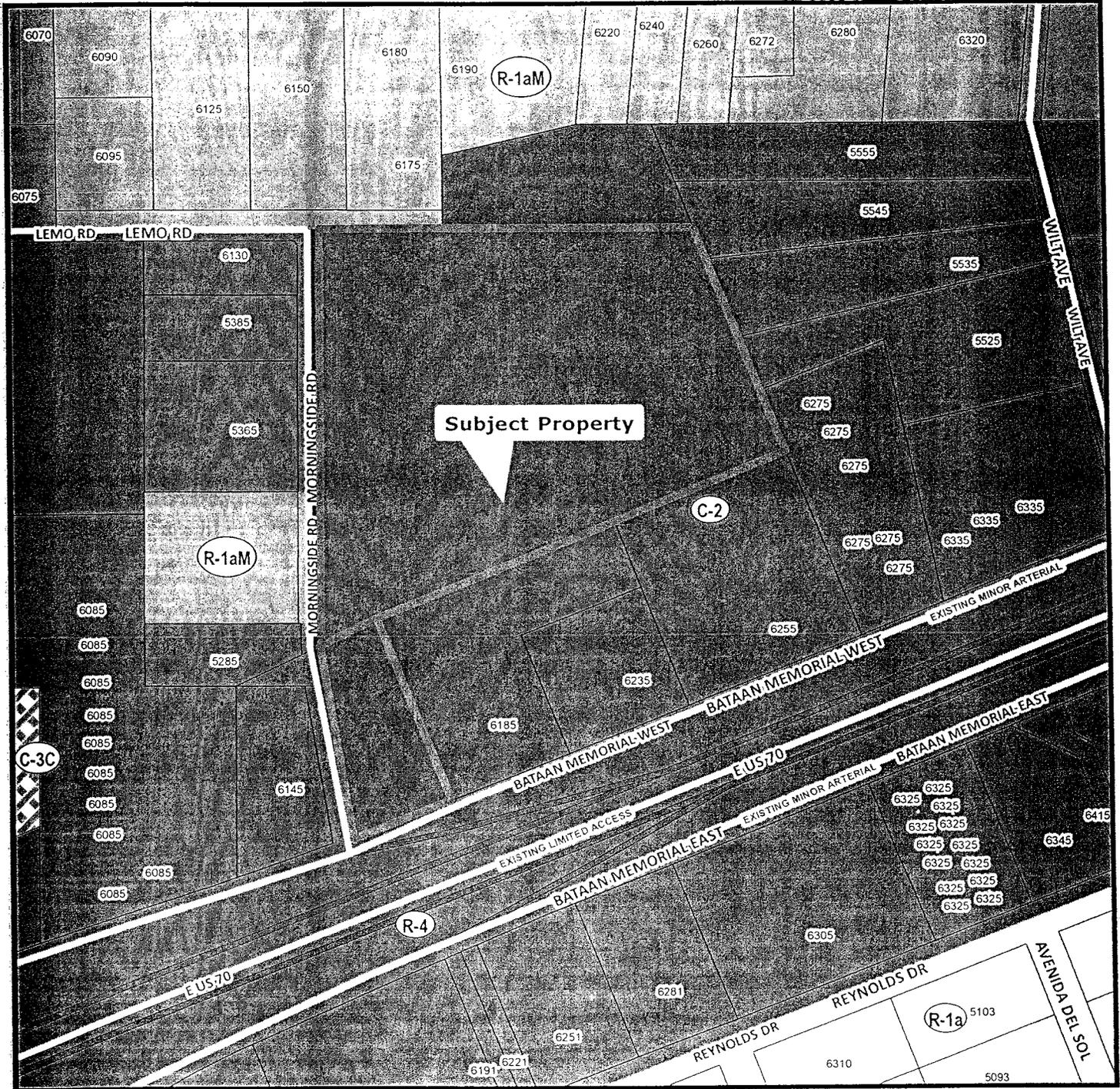
# 558 Zone Map

**ZONING: C-2**

**OWNER: MANUEL & MARTHA MORENO, RAFAEL E. MARQUEZ**

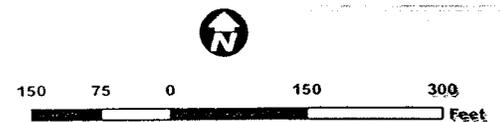
**PARCEL: 02-22393, 02-22394**

**DATE: 07/20/2011**



*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			
TP	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

# Location Vicinity Map

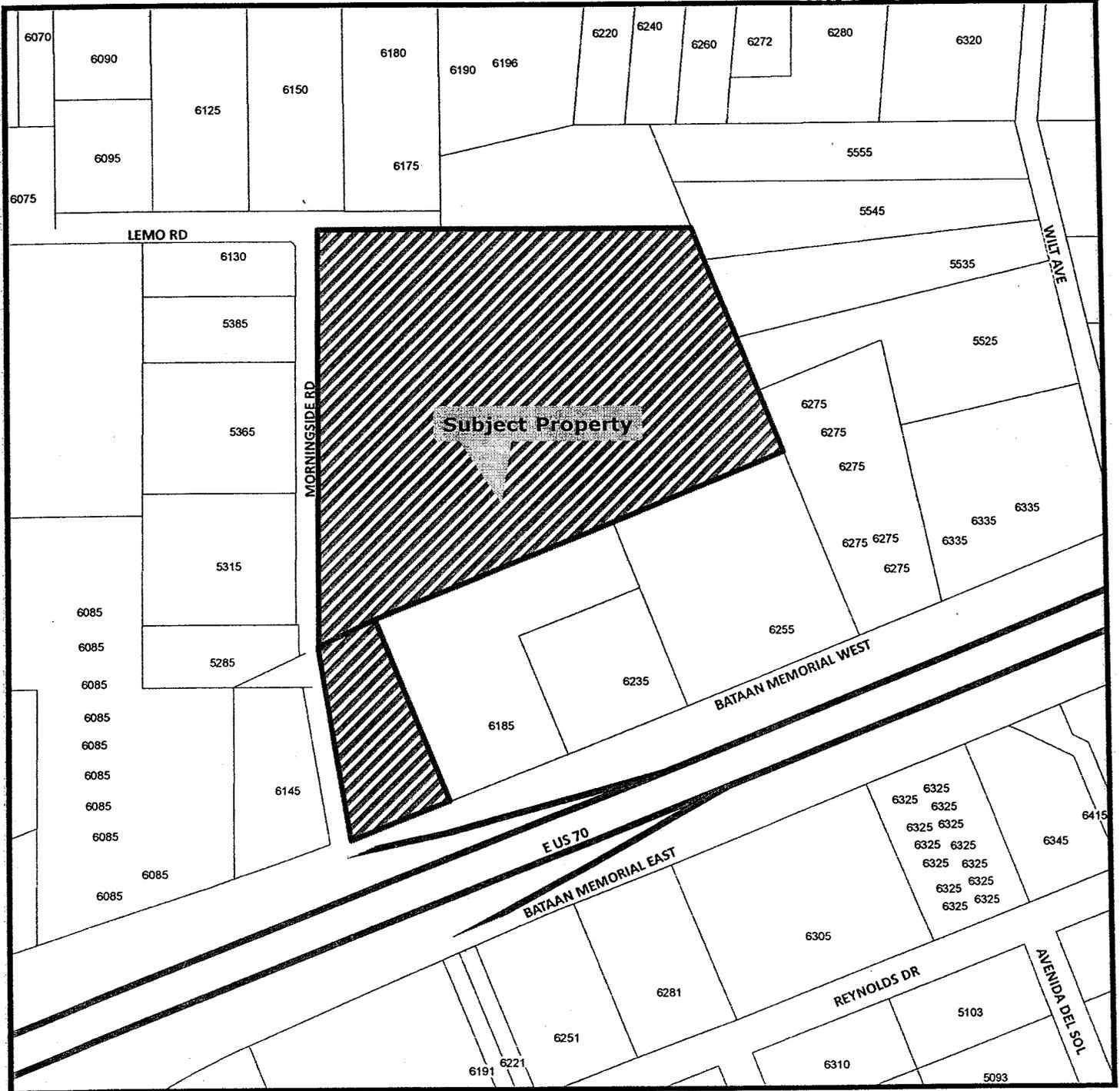
559

ZONING: C-2

OWNER: MANUEL & MARTHA MORENO, RAFAEL E. MARQUEZ

PARCEL: 02-22393, 02-22394

DATE: 07/20/2011



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

- 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

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**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
July 26, 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  
Shawn Evans, Member

**BOARD MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Cheryl Rodriguez, Development Services Administrator  
Paul Michaud, Senior Planner  
Adam Ochoa, Acting Senior Planner  
Helen Revels, Planner  
Lorenzo Vigil, Acting Assistant Planner  
Billy Chaires, Fire Department  
Mark Dubbin, Fire Department  
Jared Abrams, CLC Legal Staff  
Bonnie Ennis, Recording Secretary

**I. CALL TO ORDER (6:00 pm)**

Scholz: Good evening. Welcome to the Planning and Zoning Commission for July 26, 2011. My name is Charlie Scholz. I'm the Chair. I'll introduce the members of the Commission in just a moment. No, I'll introduce them right now, as a matter of fact. On my far right, Commissioner Shipley; he's the Mayor's appointee. Next to him, Commissioner Crane. Commissioner Crane represents District 4. Next to him, Commissioner Stowe, who represents District 1; then Commissioner Evans who is representing District 5. Is that right, Commissioner Evans? Yes, thank you. Commissioner Bustos represents District 2...3, sorry. I'm skipping over here. Commissioner Beard is representing District 2 and I'm in Council District 6.

**II. APPROVAL OF MINUTES – June 28, 2011**

Scholz: The first order of business is the approval of the minutes of June 28<sup>th</sup>. Are there any additions or corrections to the minutes? Commissioner

- 1  
2 Scholz: Commissioner Evans.  
3  
4 Evans: Aye, findings, discussion.  
5  
6 Scholz: Commissioner Bustos.  
7  
8 Bustos: Aye, findings, discussion and site visit.  
9  
10 Scholz: Commissioner Beard.  
11  
12 Beard: Nay, findings, discussion and site visit.  
13  
14 Scholz: And the Chair votes aye for findings, discussion and site visit. So it  
15 passes 5 to 2. All right, so this goes to City Council then for the final  
16 approval.  
17  
18 Rodriguez: Mr. Chairman, that is correct. I don't have the tentative dates before  
19 me but what will happen is: I will have to look, for the benefit of the  
20 public here, before they leave is that what will happen is we will look at  
21 a first reading of the Ordinance. There is no public notification for that  
22 but what we can do... there're no certified letters that go out for that;  
23 but what staff can do for the first read is notify the neighborhood  
24 association electronically and they can disperse it to their  
25 representatives.  
26  
27 Scholz: Certainly, I was hoping you would do that.  
28  
29 Rodriguez: Actually, what happens at a first read is there's really no public  
30 discussion etc. It's basically Council saying, "Bring an Ordinance  
31 forward." When we're actually at the final decision for the Ordinance,  
32 for the benefit of the public, you will again receive certified mailings out  
33 to the property owners consistent with our notification as adopted in  
34 the 2001 Zoning Code and we will also electronically notify the  
35 neighborhood association so they, too, can get to a broader audience  
36 as the purpose of the neighborhood association is.  
37  
38 Scholz: Thank you very much. I'm going to call a ten-minute recess so we will  
39 reconvene at a quarter-to-nine.  
40

41 **(TEN MINUTE BREAK)**

- 42 *Start*  
43 4. **Case Z2839:** Application of Manuel and Martha Moreno and Rafael E.  
44 Marquez to rezone a 6.37 ± acre lot and a 0.737 ± acre lot from C-2  
45 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The  
46 subject properties are located east of Morningside Drive and north of

1 Bataan Memorial West; a.k.a. 0 Bataan Memorial West and 0  
 2 Morningside Road; Parcel ID# 02-22393 and 02-22394; Proposed Use:  
 3 Event Center; Council District 5. **APPROVED 7-0**  
 4

5 Scholz: Our next case is case Z2839 and, Ms. Revels, you are going to  
 6 present it to us.  
 7

8 Revels: Yes. Good evening, everyone. My case, Z2839, is located east of  
 9 Morningside Drive and north of Bataan Memorial West, a.k.a 0 (zero)  
 10 Bataan Memorial west and 0 (zero) Morningside Road. It  
 11 encompasses 7.10 acres and they're proposing to rezone from C-2 to  
 12 C-3. Actually this is two parcels: there's this tract of land here and this  
 13 of land here.

14 Case specifics for tonight: the two tracts of land are located,  
 15 again, east of Morningside Road and east of Bataan Memorial. The  
 16 property is currently zoned C-2. It was zoned C-2 back in March 17,  
 17 1986 as part of the initial zoning for the annexation of the East Mesa.  
 18 The C-2 zoning back from the 1981 Zoning Code did allow for the  
 19 proposed use as being requested tonight for an events/convention  
 20 center. The proposed zoning tonight being requested is for C-3 and  
 21 the proposed zoning will allow the proposed event center use.  
 22 Currently under the 2001 Zoning Code an event center/convention  
 23 center/exhibition hall are not allowed in C-2 zoning. A final plat shall  
 24 be submitted to replat the two tracts of land into one distinct lot.  
 25 Primary access for this development will be from Bataan Memorial  
 26 West, a Minor Arterial roadway. Morningside Road is a Local roadway  
 27 and it shall serve as access for emergency services only; and to the  
 28 north end of the property there is a Local roadway called Lemo Road  
 29 and there shall be no commercial access off of this roadway. A  
 30 bufferyard is required along the north and east side of the property to  
 31 separate their residential uses from the commercial use being  
 32 proposed here on the subject property; and this can be achieved by  
 33 either a 15-foot semi-opaque screen or a 10-foot opaque screen.

34 Here is an aerial of the subject property here and, as I was  
 35 saying, to the north there's residential use along here and along the  
 36 east side of the property. There's also residential use along the west  
 37 side of the property but it is separated by the Morningside Road here,  
 38 which provides a buffer, and then also there will be buffer requirements  
 39 on the said property.

40 Here is a Zoning and Thoroughfare Map and you can see  
 41 Bataan Memorial West is an existing Minor Arterial. Morningside Road  
 42 is a Local roadway. We have Lemo Road, which dead-ends right at  
 43 that intersection, right at the corner of this property here, so no access  
 44 off of Lemo will be allowed. Morningside shall be used for emergency  
 45 services only and entrance in and out of this proposed development  
 46 will be off of Bataan Memorial.

1 Findings: the subject tracts of land are located east of  
2 Morningside Road and north of Bataan Memorial West and  
3 encompasses 7.10 acres. The two tracts of land are currently vacant  
4 and undeveloped. The zone change request from C-2 (Commercial  
5 Medium Intensity) to C-3 (Commercial High Intensity) would allow the  
6 use of an events center. Primary access to the proposed events  
7 center will be from Bataan Memorial West, a Minor Arterial.  
8 Morningside Road, a Local roadway shall serve as access for  
9 emergency services and there shall be no access from Lemo Road, a  
10 Local roadway. A bufferyard is require along the north and east side of  
11 the property and shall consist of either a 15-foot semi-opaque screen  
12 or a 10-foot opaque screen to separate the residential uses from the  
13 commercial uses to the north and to the east. Fifteen percent of the  
14 total parking area shall be landscaped. Our Planning staff did  
15 recommend that buffering requirements include tall shade trees around  
16 the perimeter of the property to help buffer the noise, lights and traffic  
17 from the adjacent residential use. Staff also recommends  
18 conformance to the Urban Design Element of the Comprehensive  
19 Plan, which is Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 to help  
20 mitigate the mixed land use, the residential use next to the commercial  
21 use. A computer model fireflow analysis may be required for new  
22 construction and will be determined during the building permit process.  
23 A final plat will be required to be submitted to replat the two tracts of  
24 land into one distinct lot. The zoning request is consistent with the  
25 Goals, objectives and Policies of our Comp Plan.

26 Staff recommendation tonight is to approve the zone change  
27 with the following conditions. number 1 would be that land use for the  
28 proposed C-3 (Commercial High Intensity) zoning designation be  
29 limited to an events center only; the developer shall comply with all  
30 requirements of the 2001 Zoning Code, as amended, including  
31 adequate buffering between the proposed development and the  
32 residential uses to the north and east; number three, tall shade trees  
33 around the perimeter of the property shall be required to help buffer the  
34 proposed use from the residential uses adjacent to the property; the  
35 developer shall comply with the Urban Design Element of the  
36 Comprehensive Plan, Goal 3, Policy 3.9.4 and Goal 3, Policy 3.10.5 to  
37 help mitigate the mixed land uses; access to this proposed C-3  
38 property shall be from Bataan Memorial West only, Morningside Road  
39 shall only be used for emergency services and there shall be no  
40 commercial access off Lemo Road; and all new utilities shall be placed  
41 underground.

42 So your options here tonight are to: approve the zone change  
43 request as recommended by staff; approve the zone change with any  
44 conditions deemed by this Body; deny the zone change request; or  
45 table or postpone the zone change request. Thank you.  
46

- 1 Scholz: All right, Ms. Revels. Questions or comments for her? Commissioner  
2 Crane.  
3
- 4 Crane: Ms. Revels, would you go back to your conditions, please?  
5
- 6 Revels: Um-hmm.  
7
- 8 Crane: Back up one more...I may be misunderstanding the second bullet: the  
9 zone change request from C-2 to C-3 would allow the use of an events  
10 center only? Does that mean only an events center can be put on C-  
11 3?  
12
- 13 Revels: That's correct. We are limiting the land use because of the nature of  
14 the residential uses around the property. As you notice most of the  
15 majority of the property here is zoned C-2, but a lot of the property is  
16 used for residential and is not being used as commercial use. So  
17 we're limiting the proposed use because they have a plan, they have  
18 decided they want to put in an events center here, so they have a plan  
19 so we've limited that one of the conditions is to limit the use on this  
20 property that it will be an events center so you can't have a big  
21 commercial ... I mean a Wal-Mart or something like that come in.  
22
- 23 Crane: Thank you.  
24
- 25 Scholz: I have a couple of...Commissioner Shipley, go ahead.  
26
- 27 Shipley: One question: can you explain the fireflow analysis, please?  
28
- 29 Scholz: That was one of mine, too.  
30
- 31 Revels: Okay, I'm not sure exactly what that is. I know that the Fire  
32 Department determines, once a building permit is submitted, whether  
33 or not that is going to be required if additional fireflow is needed for that  
34 area or if any improvements are needed to provide the fireflow then  
35 this will be needed to do that.  
36
- 37 Shipley: In other words they will need a pumping station to boost the pressure?  
38
- 39 Scholz: I see a fireman coming to our rescue here.  
40
- 41 Dubbin: Mr. Chairman...  
42
- 43 Scholz: Please identify yourself.  
44
- 45 Dubbin: Mark Dubbin, Fire Protection Engineer with the Las Cruces Fire  
46 Department.

1  
2 Scholz: Thank you.  
3  
4 Dubbin: In some cases where we have rural development, depending on the  
5 water provider and the history of the area, what the development  
6 history has been; occasionally a fireflow computer analysis like we  
7 produce for the City is required to make sure we have adequate  
8 fireflow for the construction. Since we don't know the size of the  
9 building or the type of construction that question can't really be  
10 answered at this time.  
11  
12 Scholz: What is fireflow, specifically? Are you talking about water pressure?  
13  
14 Dubbin: Water quantity and pressure.  
15  
16 Schulz: Okay. Thank you. I had a question: it said that there's no access off  
17 of Lemo.  
18  
19 Revels: Um-hmm.  
20  
21 Scholz: Now, when I looked at that property this afternoon I came in off of  
22 Porter and went up to Lemo and then down Morningside and the  
23 reason I did that is because that was the only way I could access the  
24 property unless I drove an extra two miles down the road.  
25  
26 Revels: Yes, sir. They would have to take the Holloman Exit and come back  
27 around onto Bataan Memorial.  
28  
29 Scholz: Well, that creates an interesting problem because Bataan Memorial  
30 West is only one way going west. That means that the majority of the  
31 people who come from Las Cruces or come from other than that  
32 particular area of that neighborhood are going to have to go way out of  
33 their way in order to get back to use the Bataan Memorial West  
34 entrance.  
35  
36 Revels: That's correct and the replat process does not require for any road  
37 improvements to Lemo and Morningside and if you did go out there  
38 you noticed that the pavement ends right at the edge of that property  
39 and it's not developed any further to the east.  
40  
41 Scholz: Yeah. Well, it seems to me that what's going to happen is people are  
42 going to take that route because it's closer to come in, you know,  
43 Porter and then sneak around the back.  
44  
45 Revels: But there will not be a way to get in off of Morningside. It will be  
46 locked. It will be a gated, locked area for emergency services only.

1  
2 Scholz: Oh, I see. So in other words they won't be able to get in.  
3  
4 Revels: Yeah, they won't be able to get in.  
5  
6 Scholz: What will they do? Will they drive backwards on Bataan Memorial  
7 West?  
8  
9 Revels: I hope not!  
10  
11 Scholz: Well, I hope not either; but I know how clever people drive around  
12 here. Well, that was my concern.  
13  
14 Crane: Mr. Chairman.  
15  
16 Scholz: Yes, Commissioner Crane.  
17  
18 Crane: It's a local events, events center. The locals are going to know how to  
19 get there.  
20  
21 Scholz: Well, I hope you're right. My experience is that people take the  
22 shortest way to get to things. In fact I saw some interesting driving on  
23 Highway 70 when I came back this afternoon. Okay. Well, that was  
24 my question anyway. May we hear from the applicant, please?  
25  
26 Lilley: Mr. Chairman, Commissioners, my name is Dan Lilley, Lilley  
27 Engineering. I prepared the traffic analysis for the applicant, Mr.  
28 Moreno, and I asked him if I could come up here ahead of time  
29 because I've got a prior engagement that I have to get to; but I can  
30 address or I would like to address some of the questions we had that  
31 you brought up about access.  
32 The actual traffic analysis, the actual roadway network and, I  
33 believe, I don't want to correct or change anything that's been said by  
34 staff because the presentation gave you a good idea of what we're  
35 looking to try to do. I do believe that Lemo Road directly north of the  
36 property is the unimproved section of Lemo Road. The rest of it's  
37 paved all the way out. The road cross-section actually handles the  
38 traffic that we're talking about in the events center; best case scenario  
39 we have 300 parking spaces and we have 300 cars, which may or may  
40 not ever occur but is probably on a weekend deal or a Saturday deal  
41 where we have a time span of, you know, three or four hours across  
42 time so when we talk traffic, we usually talk about peak hour or impact  
43 on the neighborhood and on the community and on the road network  
44 during the peak hour.  
45 A restriction to access only Bataan Memorial causes the  
46 obviously mentioned concerns about: okay, traffic basically has to

1 come in right in-right out. If we were actually allowed to come in and  
2 use Porter Road and come through Lemo or exit this way it flows the  
3 traffic a lot better if there are a couple more access points; and that's  
4 just something that I would just request that maybe that the concern  
5 that a recommendation being that access only from Bataan Memorial,  
6 we only get that by NMDOT approval and we have held off requesting  
7 their approval for a driveway permit until the actual zoning change has  
8 come through. But that little piece of property that you see that we're  
9 being requested to replat and absorb into the larger parcel was  
10 purchased by Mr. Moreno with the thought that maybe he would have  
11 to do this. He would have to access to Bataan. It's my opinion that  
12 access to Bataan either by Morningside or a driveway would be the  
13 same thing: it would be access to Bataan. Morningside is actually 32-  
14 feet plus or minus wide driving surface. A driveway into the property  
15 would only have to be 25 to 27-feet wide. So we have right here  
16 currently an existing location that would be a good ingress and egress  
17 for the traffic.

18 Now secondary access or additional access, I'm in front of you  
19 at other times with a subdivision with thirty houses on it and I have to  
20 have a second access to it other directions. If we start talking about  
21 emergency use only, then we're talking maybe a gate or something on  
22 the property and then we're talking to open the gate that it has to have  
23 a siren device on it or something or...we aren't allowed to lock these  
24 gates any more. They have to be accessible to emergency vehicles.  
25 So to throw a gate on a portion of the property to prevent access only  
26 under emergencies is an added expense. It does nothing but constrict  
27 the flow to one direction.

28 Now we have 300 cars coming up, best case scenario.  
29 Hopefully, the Morenos would have 300 cars there and that's what they  
30 would like; coming out all accessing Bataan Memorial on that one  
31 particular point. They come out, come out, and they all go in right  
32 there; whereas, the other way they could actually go up and turn and  
33 go north on Porter. They could go south. As you say, it's a  
34 neighborhood events center. They may go north off of Porter. They  
35 may not go to the Highway. They may go straight off of Porter straight  
36 south. There're many directions they can do and a lot of times when  
37 you deal with traffic study or a traffic analysis the idea is to flow it  
38 different locations and this particular area, the size of the streets, the  
39 load that we're talking about putting on it, the existing traffic is next to  
40 nothing.

41 Even the traffic on Bataan Memorial in that location is very  
42 minimal if you've ever driven it and something that, in the future if by  
43 any chance this whole area blooms into a huge commercial site, there  
44 may be a need for something bigger and better. But as anybody that's  
45 lived in this area long enough knows that this area is not in a blooming  
46 location. We have a local individual that was told by the ETZ that the

- 1 place that he wanted to do, that he owned, was inadequate. Go find a  
2 piece of commercial property that's better accessed. So Mr. Moreno  
3 found this piece of property right here, better access, by Bataan  
4 Memorial, Porter Road, even Lemo Road and those things I would like  
5 to just let you know that limiting...do what you may, but limiting his  
6 access to one point is detrimental to the traffic flow in general in the  
7 whole area. I'd be glad to answer any questions you guys have or any  
8 concerns. I've walked the site, been to the site, did traffic counts,  
9 things like that.
- 10
- 11 Scholz: Commissioner Shipley.
- 12
- 13 Shipley: Mr. Lilley, I'm looking at your....you said Mr. Lilley is that right?
- 14
- 15 Lilley: Yes, sir.
- 16
- 17 Shipley: Okay. I'm looking at your report that says that the complete build out  
18 of 23,000 square feet and will have a minimum of 230 and a max of  
19 350 vehicles and I think what they're trying to say is that by limiting the  
20 access out onto the Minor Arterial you're not having traffic run through  
21 the neighborhood. Obviously, if they wanted to drive out onto Bataan  
22 Memorial, make an immediate right after they get out and go the other  
23 direction they probably won't do that because it's easier to access 70  
24 and go into town if they're going into town or do a u-turn at the next  
25 intersection and go east if they're going east. So it puts the traffic on a  
26 road that's designed to handle that. It's a one way road, two lanes,  
27 etc. I think that's the logic behind what staff has said and it makes  
28 more sense to me. I wouldn't want 250 cars running by my house after  
29 they've had a wedding reception or something like that and getting wild  
30 and crazy and drinking and all that. That's the problem that you  
31 preclude by doing it the way that they're doing it. Right? I think that's,  
32 in my estimation, that's the logic behind what's being done here.
- 33
- 34 Scholz: All right, anything else? Thank you. Commissioner Stowe.
- 35
- 36 Stowe: A question going north on I-70 how far is it to the first place where you  
37 can do a u-turn to come back on Bataan West?
- 38
- 39 Lilley: Mr. Chair, Commissioner Stowe, you are looking at about two-quarters  
40 of a mile plus or minus to the next interchange.
- 41
- 42 Stowe: Less than a mile.
- 43
- 44 Lilley: I believe so, yes, sir.
- 45
- 46 Stowe: Thank you.

1  
2 Scholz: That's the Holloman Road, you mean.  
3  
4 Stowe: Holloman...  
5  
6 Scholz: All right, thanks, Mr. Lilley.  
7  
8 Lilley: Thank you.  
9  
10 Scholz: May we hear from the applicant, please?  
11  
12 Baldonado: Sir, I'm not the applicant but I'm speaking in behalf of the applicant if  
13 you have any questions and all...  
14  
15 Scholz: Would you identify yourself, please?  
16  
17 Baldonado: Greg Baldonado.  
18  
19 Scholz: Thank you. Do we have any questions for this gentleman about the  
20 property? Yes, Commissioner Shipley  
21  
22 Shipley: The first question is that when I read the application, obviously it's an  
23 event center, I think of bands, those kinds of things that produce loud  
24 noises and that. It doesn't specify that in here what kind of, you know,  
25 events we're talking about, you know: wedding receptions, DJs,  
26 bands, etc. The other thing is: there's no mention, you know, it says a  
27 23,000 square foot building; we don't have anything to look at to see if  
28 it fits in with the neighborhood and I've always would like to see plans  
29 that show what the architecture's going to look like, at least from the  
30 outside, so we've got an idea how it's goes with the neighborhood.  
31 Secondly...or thirdly, I guess, is the height of the building. Do you  
32 know what the height will be on that building?  
33  
34 Baldonado: I'm not exactly sure but...I understand there were some elevations,  
35 maybe, perhaps, brought in to the staff that...you know?  
36  
37 Revels: The proposed site plan that I included in your packet is what I had  
38 gotten but all the comments that you are bringing up will be addressed  
39 during the building permit process, like the Urban Design elements and  
40 the buffering and the parking and those things will be addressed during  
41 the building permit process.  
42  
43 Scholz: Yeah, we really are only addressing the zone change right now.  
44  
45 Baldonado: But to answer some of your questions, you are right. There will be  
46 band music, DJ music, weddings, quinceañeras, receptions and so

1 forth taking place and the applicant has stated to me that construction  
2 will be out of cinder block or concrete block so it will be a solid wall in  
3 which it'll absorb a lot more noise than the typical metal stud frame  
4 construction or two-by-four construction, so it'll be a solid building. As  
5 far as the height it'd be limited to whatever the City Code allows or the  
6 International Building Code but I would imagine it wouldn't be any taller  
7 than 20-feet at its highest point and that's perhaps too high to the  
8 mechanical units on the roof or something like that. But all that will be  
9 scrutinized during the permit process.

10  
11 Scholz: All right, thank you.

12  
13 Baldonado: And I'd like to point out what Mr. Lilley was referring to, to the traffic  
14 flow...if the Commissioners or the staff would allow, perhaps, a one-  
15 way entrance only off of Lemo to where it'll restrict just cars entering  
16 the site from that direction because by natural choice people will turn  
17 on Porter and turn on Lemo if they were to refer to a map on the  
18 Internet and they'll naturally think that's one way to go. I believe that  
19 this will not only serve as an emergency access for the Fire  
20 Department but also it'll control traffic just going into the project and will  
21 direct traffic existing out towards Bataan Memorial West by constricting  
22 the entrance there at the intersection of Lemo and Morningside Road.  
23 So if you would consider that condition we would surely appreciate it.  
24 It'll help a lot with the traffic flow and will keep traffic from exiting back  
25 on Lemo towards Porter, thereby just making it an entrance only.

26  
27 Scholz: Well, that'll be up to staff to take care of that.

28  
29 Baldonado: Okay...well, I'll be glad to answer...

30  
31 Scholz: I don't want to make that a condition of the zoning, frankly. Any other  
32 questions? Thank you very much, sir.

33  
34 Baldonado: You are welcome.

35  
36 Scholz: All right, anyone from the public wish to speak to this? Yes, sir.

37  
38 Howdeke: My name is Frank Howdeke and I live there on the corner of  
39 Morningside and Porter, I mean Morningside and Lemo and, like he  
40 was saying, I don't think I would like a whole bunch of traffic passing  
41 right in front of my house, back and forth or whatever, you know...and  
42 also, I was wondering...as far as the Noise Ordinance how they late  
43 they can stay and if we've got to go to work we don't want a bunch of  
44 music or...until two or three o'clock in the morning. There's a bunch of  
45 elderly people that live there, you know, that they don't want a bunch of  
46 noise. And also, changing it from C-2 to C-3 they can sell it after a

1 year or so and then they can try and stick a buyer in there or  
2 something like that that'll cause more problems.  
3  
4 Scholz: Well, I believe the restriction was that it has to be an events center and  
5 that was it. It can't be anything else. So when the zoning is changed  
6 it'll be for that specific purpose and nothing else can be done that way;  
7 because I know that C-3 allows a whole bunch of uses, you know,  
8 including junkyards and things, but that won't be allowed.  
9  
10 Howdeke: Okay, that's all I got, I guess.  
11  
12 Scholz: Thank you very much.  
13  
14 Howdeke: Thank you.  
15  
16 Scholz: Anyone else? Yes, sir.  
17  
18 Moreno: Good evening, you guys. My name is Adrian Moreno. I'd like to touch  
19 base on this. I'd like to see this approved for a couple of reasons: it  
20 could be a positive attraction for the neighborhood. There's nothing  
21 going on, on the East side. There's zero commerce, there's nothing.  
22 It's dead. This could be something nice to see. I've seen the  
23 blueprints on it and the one thing that I really liked about the building is  
24 the construction. It's going to be so sturdy, it could be used as a  
25 shelter for, you know, heavy rains, high winds, a tornado shelter. It's  
26 going to be cinder block and there's going to be big, old fridges in there  
27 you can put people in there and that'll shelter some people.  
28  
29 Scholz: You're thinking of the storm we had this evening...  
30  
31 Moreno: Yeah. I'm like...  
32  
33 Scholz: I was looking at the ceiling myself.  
34  
35 Moreno: Right. Also, jobs will be created, something that is a need in this town,  
36 especially for young people. There's nothing going on here. It's hard  
37 to find jobs. Granted, it'll be 20-25 jobs but that's 25 jobs we did not  
38 have. Also it would make a...I guess you could say...during the  
39 construction there would be jobs created for that short period of time to  
40 construct it and it's not like it's going to be make and subcontracted out  
41 to some company in Albuquerque or whatever. It's going to be owned  
42 locally and run locally. Nice building and I'd like to see it approved.  
43  
44 Scholz: Thank you.  
45  
46 Moreno: Thank you.

1  
2 Scholz: Anyone else? Yes, sir.  
3  
4 Knoll: My name is Bob Knoll and I own the property that's a little "L" shape  
5 that's on your diagram there where I have a hot rod shop and this  
6 sounds fine. The only thing is: how late will... I'm an old guy and I go to  
7 bed like 7:00 so... is the music going to on 'til 2:00 or 3:00 in the  
8 morning? And is there going to be liquor on the property?  
9  
10 Scholz: I don't know.  
11  
12 Knoll: Is it's something that's subject to getting a liquor license?  
13  
14 Scholz: I assume it is. You know, I really don't know and I don't think that's  
15 within our purview tonight to talk about that; but I appreciate you  
16 bringing it up.  
17  
18 Knoll: Okay. Thanks.  
19  
20 Scholz: Um-hmm. Yes, sir, you want to respond to that?  
21  
22 Baldonado: Yes, sir. Greg Baldonado, again. In speaking to my clients, the  
23 applicants, they plan on being open no later than 1:00 am and there  
24 won't be any liquor on the premises. And from what the staff says as  
25 are part of the conditions is a buffer all the way around the property  
26 with tall shade trees. Certainly that'll buffer some of the car noise and  
27 some of the headlights and the developers' also plan on constructing a  
28 6-foot cinderblock or rockwall all around the property so the building  
29 itself being made out of cinderblock and all the things taking place  
30 inside, certainly will not allow the noise to come out and bother the  
31 residents. So we think it's a good building and we'll try to please the  
32 neighbors as much as possible. Thank you.  
33  
34 Scholz: Thank you. Commissioner Crane.  
35  
36 Crane: A question for Ms. Revels: I think there's been a little conflict about  
37 whether or not there can be liquor served in this place. We've heard  
38 there cannot be a bar and that bars cannot be put in this C-3 place. If  
39 there's a wedding reception there are they going to be prohibited from  
40 opening a bottle of champagne?  
41  
42 Revels: I believe that any convention center or exhibition hall that has a party  
43 and they want to serve alcohol they have to get like a picnic license  
44 from the local bar or some sort or something like that. I mean, you do  
45 have to have a liquor license in order to serve alcohol so they would

- 1 have to rent that license from...I don't know...the liquor company or  
2 something of that nature.  
3
- 4 Crane: Thank you.  
5
- 6 Scholz: All right, I'm going to close this then to public discussion. Gentlemen,  
7 what's your pleasure.  
8
- 9 Crane: I move that case Z2839 be approved with the conditions that the City  
10 has established.  
11
- 12 Shipley: Oh, this was not read into the record, was it?  
13
- 14 Scholz: Pardon me?  
15
- 16 Crane: It's the Johnny Ray Smith's objections.  
17
- 18 Scholz: No, we didn't do that. (To Commissioner Shipley) Would you like to  
19 do that?  
20
- 21 Shipley: I would be happy to but I have one question about that. I'd like to see  
22 the map where it shows...it's talking about Wilt Road. Where is that in  
23 relation to his property? That's what I was...  
24
- 25 Scholz: He says he lives on Wilt Road. Excuse me, for the public this is a  
26 letter from Johnny Ray Smith which was received Wednesday, the  
27 20<sup>th</sup>  
28
- 29 Shipley: Do you want me to go ahead and read it?  
30
- 31 Scholz: Please.  
32
- 33 Shipley: It says, "Regarding case Z2839, my concerns are primarily: 1) outdoor  
34 lighting, how high are the masks; 2) nighttime noise levels; 3) drainage  
35 water from Wilt Road drains through my property at times, and; 4)  
36 traffic backing up to Wilt Road; 5) blowing trash from parking lot"...and  
37 he prefers to be contacted by mail, phone or e-mail. Yeah, and his  
38 address is 5525 Wilt Road. But I guess the question I had regarding  
39 this was the drainage, because this has got on-lot ponding so it  
40 shouldn't affect that, I didn't think but...  
41
- 42 Revels: That is correct. The commercial development would have to retain the  
43 water on site and the gentleman's property in question is this piece of  
44 property right here and this is Wilt Road here.  
45
- 46 Shipley: Okay.

1  
2 Rodriguez: Mr. Chairman, if I may add on to the drainage requirements. If there  
3 are any historical flows they are required to be able to pass through the  
4 site and any water that is generated on the site itself has to be retained  
5 on the site itself; but historical flows have to be able to pass through.  
6  
7 Scholz: All right. Thank you. Okay...so, a motion to approve?  
8  
9 Crane: I already moved that, sir.  
10  
11 Scholz: You did. Okay, a second, then.  
12  
13 Evans: I second.  
14  
15 Scholz: Okay. Crane moved and Evans seconded. I'll call the role.  
16 Commissioner Shipley.  
17  
18 Shipley: Aye, findings, discussion and site visit.  
19  
20 Scholz: Commissioner Crane  
21  
22 Crane: Aye, findings, discussion and site visit.  
23  
24 Scholz: Commissioner Stowe.  
25  
26 Stowe: Aye, findings, discussion and site visit.  
27  
28 Scholz: Commissioner Evans:  
29  
30 Evans: Aye, findings and discussion.  
31  
32 Scholz: Commissioner Bustos.  
33  
34 Bustos: Aye, findings and discussion.  
35  
36 Scholz: Commissioner Beard.  
37  
38 Beard: Aye, findings, discussion and site visit.  
39  
40 Scholz: And the Chair votes aye for findings, discussion and site visit.  
41  
42 Revels: Commissioner Scholz, I just wanted to clarify that we did approve this  
43 with the conditions that I did read into the record earlier.  
44  
45 Scholz: Yes.  
46

1 Revels: Okay.

2

END 3 Scholz: As a matter of fact, I believe Commissioner Crane did say that.

4

- 5 5. **Case Z2840:** Application of Susan J. Fray to rezone from R-2 (Multi-Dwelling Low Density) to C-2C (Commercial Medium Intensity-Conditional) and to numerically deviate from the required ten (10) foot opaque bufferyard to a zero (0) foot opaque bufferyard on a 0.17 ± acre lot located on the north side of Willoughby Avenue 150± feet west of its intersection with Main Street in Area 3 of the Alameda Depot Neighborhood Overlay; a.k.a. 132 W. Willoughby Avenue; Parcel ID# 02-04369. Proposed Use: A single-family residence and a commercial art studio with a sculpture garden; Council District 1. **POSTPONED TO MEETING OF AUGUST 23, 2011.**

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- 16 6. **Case PUD-10-02:** Application of Quantum Engineering Consultants Inc. on behalf of Lord Williams & ETAL C/O Randy McMillan for a Concept Plan for a Planned Unit Development known as the Dave McTimski, Inc. PUD. The subject property encompasses 15.503 ± acres and is located on the southwest corner of Northrise Drive and Roadrunner Parkway immediately adjacent to Las Cruces Fire Station #6; Parcel ID# 02-41024. Proposed Use: The PUD proposes limited commercial, office and multi-dwelling residential uses; Council District 6. **APPROVED 7-0**

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25 Scholz: Next up is a thick packet: PUD-10-02 and PUD-10-03. Do we have to divide this to discuss it? Mr. Ochoa.

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28 Ochoa: Mr. Chairman, we could suspend the rules and hear both cases together.

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31 Scholz: We do. Okay, let's vote to suspend the rules. I'll entertain a motion to do that.

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34 Bustos and Crane: So moved.

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36 Scholz: It's been moved. I think that tie between Bustos and Crane...and a second?

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39 Beard: And a second.

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41 Scholz: And a second from Beard. All those in favor say aye.

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43 All: Aye.

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45 Scholz: Thank you. Those opposed same sign.

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**Helen Revels**

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**From:** JOHNNY RAY SMITH [johnnyrays@msn.com]  
**Sent:** Wednesday, July 20, 2011 8:21 PM  
**To:** Helen Revels  
**Subject:** RE: Proposed Site Plan for Events Center on Bataan Memorial West  
Helen,

Regarding case **Z2839**.

My concerns are primarily:

1. Out Door Lighting (how high are the Masts)
2. Night time Noise levels.
3. Drainage water from Wilt Rd Drains Thru my Property at times.
4. Traffic backing up to Wilt Rd.
5. Blowing trash from parking lot.

My property address is:  
5525 Wilt Rd

I prefer to be contacted by mail, phone or E-mail:

Johnny Ray Smith  
1146 Morning Dr,  
Santa Fe, NM 87507  
(505) 471-2124

Thank you.  
Johnny

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**Subject:** Proposed Site Plan for Events Center on Bataan Memorial West  
**Date:** Tue, 19 Jul 2011 16:52:56 -0600  
**From:** helenr@las-cruces.org  
**To:** johnnyrays@msn.com

Helen Revels  
Associate Planner  
City of Las Cruces  
(575) 528-3085

7/26/2011

