

**City of Las Cruces<sup>®</sup>**  
**PEOPLE HELPING PEOPLE**

**Council Action and Executive Summary**

Item # 3 Ordinance/Resolution# 2641

For Meeting of November 7, 2011  
 (Ordinance First Reading Date)

For Meeting of November 21, 2011  
 (Adoption Date)

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3/C-2 (MULTI-DWELLING MEDIUM DENSITY/COMMERCIAL MEDIUM INTENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) FOR 0.464± ACRES OF LAND LOCATED AT 130 MADRID AVENUE. SUBMITTED BY SUMMIT ENGINEERING ON BEHALF OF 1732, LLC, PROPERTY OWNER (Z2844).**

**PURPOSE(S) OF ACTION:**

Zone change will allow for commercial redevelopment of the entire property and will eliminate overlapping zoning designations.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa <i>[Signature]</i>	<b><u>Department/Section:</u></b> Community Development	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>	<i>[Signature]</i>	

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

The proposed zone change is for a 0.464± acre property located on the north side of Madrid Avenue, 245± feet west of its intersection with Main Street and directly east of the Las Cruces Lateral. The subject property currently consists of a vacant commercial building.

The subject property is currently zoned R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity). The northern 0.204± acre portion of the subject property is currently zoned R-3 while the remaining 0.260+ acre southern portion is zoned C-2 as depicted in Exhibit "A" of this CAES packet. The proposed zone change allows the entire subject property to have a C-2 zoning designation. The applicant has not specified any development plans for the subject property.

The proposed zone change is supported by the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES packet. The property is located along Madrid Avenue, a designated collector roadway, where medium intensity commercial uses are encouraged and desired. The subject property is also located adjacent to a number of similarly zoned properties which addresses land

use compatibility. The subject property is located on a segment of Madrid Avenue east of the Las Cruces Lateral that is predominantly zoned commercial.

On September 27, 2011, the Planning and Zoning Commission (P&Z) recommended approval for the proposed zone change by a vote of 6-0-0 (one Commissioner absent). There was no public input or participation at the meeting for the proposed zone change.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A"- Site Plan.
3. Exhibit "B"- Findings and Comprehensive Plan Analysis.
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2844.
5. Attachment "B"- Draft minutes from the September 27, 2011 Planning and Zoning Commission meeting.
6. Attachment "C"- Vicinity Map.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A
-----

**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 0.464± acres will be rezoned from R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) to C-2 (Commercial Medium Intensity). The zone change facilitates the commercial redevelopment of the entire subject property.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) will remain on the subject property.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION:**

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

1. N/A

COUNCIL BILL NO. 12-019  
ORDINANCE NO. 2641

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3/C-2 (MULTI-DWELLING MEDIUM DENSITY/COMMERCIAL MEDIUM INTENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) FOR 0.464± ACRES OF LAND LOCATED AT 130 MADRID AVENUE. SUBMITTED BY SUMMIT ENGINEERING ON BEHALF OF 1732, LLC, PROPERTY OWNER (Z2844).**

The City Council is informed that:

**WHEREAS**, 1732, LLC, the property owner, has submitted a request for a zone change from R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) to C-2 (Commercial Medium Intensity) for property located at 130 Madrid Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on September 27, 2011, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner absent).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-2 (Commercial Medium Intensity) for property located at 130 Madrid Avenue.

**(II)**

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

**(III)**

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

**(IV)**

**THAT** City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

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

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

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

(SEAL)

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:	_____

ZONING PLAN

EXHIBIT A

A 0.464 ACRE TRACT

PART OF THE P.T. GONZALES TRACT, TRACT 1

AS RECORDED AUGUST 3, 2005 IN CLERK'S BOOK 631, PAGES 1593-1595

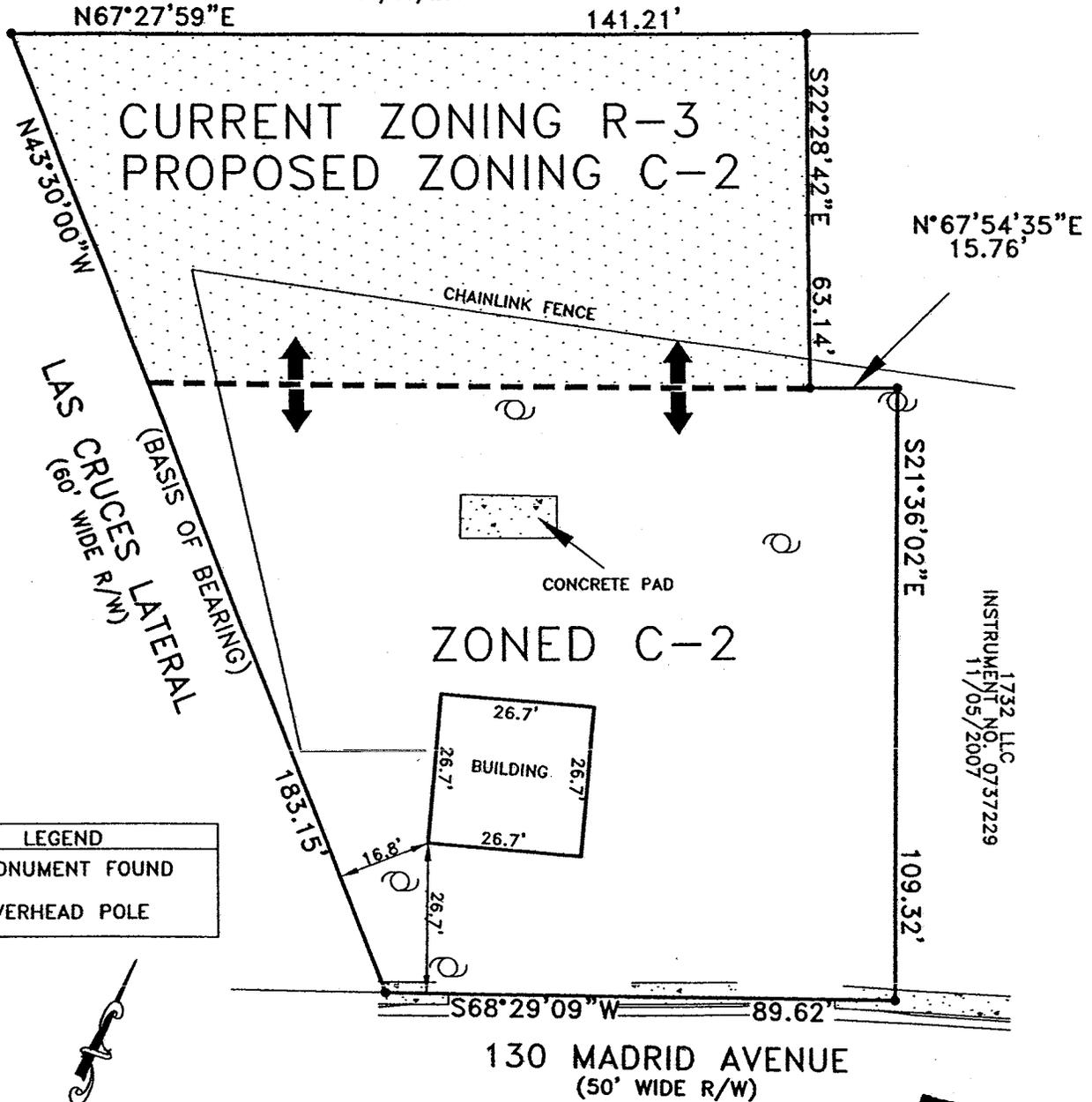
OF THE DOÑA ANA COUNTY RECORDS

CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

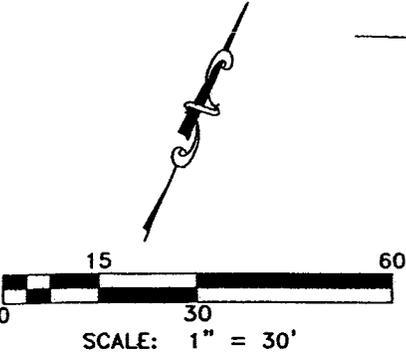
SCALE: 1" = 30'

JUNE 27, 2011

1732 LLC  
INSTRUMENT NO. 0737229  
11/05/2007



LEGEND	
●	MONUMENT FOUND
○	OVERHEAD POLE



**SUMMIT ENGINEERING**  
CIVIL ENGINEERING --DESIGN --CONSULTING  
PO BOX 375 FAIRACRES, NM 88033 (575) 527-5321

## FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 0.464 ± acres.
2. The subject property is located along Madrid Avenue, a Collector roadway, as classified by the Metropolitan Planning Organization (MPO).
3. The subject property is currently zoned R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) with the northern 8,907 ± square foot portion of the property zoned R-3 and the remaining southern 11,304 + square foot portion zoned C-2.
4. The subject property currently consists of a vacant commercial building.
5. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

### Land Use Element (Land Uses)

#### Goal 1 Objective 5:

#### Policies

- 1.5.2. Medium intensity commercial uses shall be defined as those commercial uses which provide retail and service activities within a neighborhood area. Medium intensity commercial uses shall generally serve a population of 5,000 to 30,000 people and shall be established according to the following criteria:
  - a. Generally 1,500 but not to exceed 5,000 gross square feet shall be permitted for a medium intensity commercial use or center. A business may apply for a special use when said business is greater than 5,000 gross square feet, but may not exceed 6,000 square feet.
  - b. Medium intensity commercial use and centers shall be located on minor collector streets, or at the intersection of streets equal to or greater than collector capacity. 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. An unlimited number of low or medium intensity commercial uses may be located adjacent to one another as long as the combined total of the uses does not exceed 5,000 gross square feet.
  - d. With the exception of low intensity commercial businesses, medium intensity commercial uses shall not be located within one-half (½) mile of other commercial areas.
  - e. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for medium intensity commercial use and centers.

- f. Medium intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, a provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for medium intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- g. Adequate space for functional circulation shall be provided for parking and loading areas.
- h. The City shall encourage the development of medium intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment related conflicts to adjacent uses.
- i. Low intensity commercial uses are permitted in medium intensity commercial areas.



**Planning & Zoning  
Commission  
Staff Report**

**Date: September 13, 2011**

**CASE #** Z2844

**PROJECT NAME:** 130 Madrid Avenue (Zone Change)

**APPLICANT:** Summitt Engineering

**PROPERTY OWNER:** 1732, LLC

**REQUEST:** Zone change from R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) to C-2 (Commercial Medium Intensity)

**PROPOSED USE:** Unspecified commercial medium intensity use

**SIZE:** 0.464 ± acres

**CURRENT ZONING:** R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity)

**LOCATION:** Located on the north side of Madrid Avenue, 245 ± feet west of its intersection with Main Street; a.k.a. 130 Madrid Avenue; Parcel ID# 02-04133

**COUNCIL DISTRICT:** 1

**PLANNING COMMISSION DATE:** September 27, 2011

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

**STAFF RECOMMENDATION:** Approval

**PROPERTY INFORMATION**

Address/Location: The north side of Madrid Avenue, 245 ± feet west of its intersection with Main Street; a.k.a. 130 Madrid Avenue; Parcel ID# 02-04133.

Acreage: 0.464 ±

Current Zoning: R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity)

Current Land Use: Vacant commercial building

Proposed Zoning: C-2 (Commercial Medium Intensity)

Proposed Land Use: Unspecified commercial medium intensity use

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

**Table 1: Site Analysis**

Existing Conditions	
Existing Square Footage of All Buildings	713 ± square feet
Current Lot Size	20,211 ± square feet
Current Lot Depth/Width	173 ± feet/ 90 ± feet
Existing Building Height	15-feet
Development Standards for Proposed Zoning of C-2	
Minimum Lot Size	10,000 square feet
Maximum Lot Size	43,560 square feet
Minimum Lot Depth/ Width	70-feet/60-feet
Maximum Building Height	45-feet

**PHASING**

Is phasing proposed? Yes  No

If yes, how many phases?

Timeframe for implementation:

**ADJACENT ZONING AND LAND USE INFORMATION**

**Table 2: Land Uses**

Location		Existing Use	Zoning District	Zoning Designation
Subject Properties		Vacant Commercial Building	R-3/C-2	Multi-Dwelling Medium Density/Commercial Medium Intensity)
Surrounding Properties	North	Vacant/Undeveloped	R-3	Multi-Dwelling Medium Density
	South	Shopping Center	C-2	Commercial Medium Intensity
	East	Vacant Commercial Building	C-2	Commercial Medium Intensity
	West	Multi-Family Residential	R-3	Multi-Dwelling Medium Density

**HISTORY**

Previous applications? Yes  No

If yes, please explain:

Previous resolution numbers?

Previous uses if applicable:

**COMPREHENSIVE PLAN**

Elements & Policies

Land Use Element

1. Goal 1, Policy 1.5.2

Analysis: The proposed zone change will facilitate the use of the entire subject property for commercial medium intensity uses. The subject property is located along a designated collector roadway where commercial medium intensity uses are encouraged. The subject property is also located adjacent to other similarly zoned properties making compatibility not an issue. Recommendation of approval.

**REVIEWING DEPARTMENT COMMENTS**Fire Prevention:

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

Type of building occupancy: Unknown

## Nearest Fire Station

Distance: 0.90 ± miles

Address: 201 E. Picacho Avenue

Adequate Capacity to Accommodate Proposal? Yes  No

Additional Comments: Building access shall comply with all International Fire Code (IFC) requirements. Recommendation of approval.

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone AE

## Development Improvements

Drainage calculation needed	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Drainage study needed	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" 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 type="checkbox"/>	No	<input checked="" 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"/>

Additional Comments: Recommendation of approval.

MPO:

Road classifications: Madrid Avenue is designated as a Collector roadway

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? 475 ± feet south of the subject property on North Main Street.

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

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

Traffic Engineering:

Is development adjacent to a State Highway System? Yes  No  N/A

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

Are road improvements necessary? Yes  No  N/A

If yes, please explain:

Was a TIA required? Yes  No  N/A

If yes, summarize the findings:

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

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

Site Accessibility

Adequate driving aisle	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Adequate curb cut	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input 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 checked="" type="checkbox"/>	N/A	<input 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: Recommendation of approval.

Water Availability and Capacity:

Source of water: CLC  Other:

CLC water system capable of handling increased usage? Yes  No  N/A

If no, is additional service available? Yes  No  N/A

Additional Comments: Recommendation of approval.

Wastewater Availability and Capacity:

Wastewater service type: CLC  On-lot septic

CLC wastewater service capable of handling increased usage? Yes  No  N/A

If no, is additional service available? Yes  No

Potential problems with gravity wastewater system or system connection? Yes  No  N/A

If yes, can potential problems be handled through development or building permit process?

Yes  No

If development is being served by on-lot septic, please specify review comments by the New Mexico Environmental Department:

Additional Comments: Recommendation of approval.

Gas Utilities:

## Gas Availability

Natural gas service available? Yes  No  N/A If yes, is the service capable of handling the increased load? Yes  No Need BTUH requirements? Yes  No  N/A 

Additional Comments: Recommendation of approval.

Public Schools:

## Nearest Schools:

- |  |                                |
|--|--------------------------------|
| 1. Elementary: Alameda Elementary School | Distance (miles): 0.47 ± miles |
| Enrollment: 498                          |                                |
| 2. Middle School: Sierra Middle School   | Distance (miles): 1.53 ± miles |
| Enrollment: 870                          |                                |
| 3. High School: Mayfield High School     | Distance (miles): 1.09 ± miles |
| Enrollment: 2223                         |                                |

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? The required number of parking spaces is determined by land use and will be verified at the time of the building permit process.

How many accessible? The number of required accessible parking spaces will also be determined at the time of building permitting.

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

If yes, describe:

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

Comments: At the time of a building permit when the lot is redeveloped, the subject property shall be required to comply with all parking requirements of the 2001 Zoning Code, as amended. Bicycle parking will be verified during the building permit process as well.

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? The subject property will be required to landscape a minimum of 15% of the total parking area.

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? The subject property shall be required to provide either a 10-foot opaque bufferyard or a 15-foot semi-opaque bufferyard between the subject property and the adjacent R-3 zoned property to the north. No other additional bufferyards shall be required.

Open Space, Parks, Recreation and Trails:

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

If yes, how is connectivity being addressed? Explain:

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

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

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

**Table 3: Special Characteristics**

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

**Table 4: Project Chronology**

Date	Action
August 2, 2011	Application submitted to Development Services
August 3, 2011	Case sent out for review to all reviewing departments
August 10, 2011	All comments returned by all reviewing departments
August 16, 2011	Staff reviews and recommends approval of the zone change
September 11, 2011	Newspaper advertisement
September 16, 2011	Public notice letter mailed to neighboring property owners
September 16, 2011	Sign posted on property
September 27, 2011	Planning and Zoning Commission public hearing

**SUMMARY AND CONCLUSIONS**

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. The proposed zone change is also supported by the 1999 Comprehensive Plan.

The subject property is currently zoned R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity). The northern 8,907 ± square foot portion of the subject property is zoned R-3 and the

remaining southern 11,304 square foot portion is zoned C-2 (see attachment #2). The proposed zone change provides the entire subject property a C-2 zoning designation and would facilitate the redevelopment of the entire property for commercial medium intensity uses.

## **FINDINGS**

1. The subject property encompasses 0.464 ± acres.
2. The subject property is located along Madrid Avenue, a Collector roadway, as classified by the Metropolitan Planning Organization (MPO).
3. The subject property is currently zoned R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) with the northern 8,907 ± square foot portion of the property zoned R-3 and the remaining southern 11,304 ± square foot portion zoned C-2
4. The subject property currently consists of a vacant commercial building.

## **STAFF RECOMMENDATION**

Staff has reviewed this proposed zone change and based on the preceding findings recommends approval without conditions.

## **DRC RECOMMENDATION**

N/A

## **ATTACHMENTS**

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

## 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: Summit Engineering  
 Contact Person: Greg Byres  
 Contact Phone Number: 527-5321  
 Contact e-mail Address: Summitengineer@aol.com  
 Web site address (if applicable): N/A

### Proposal Information

Name of Proposal: N/A  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Location of Subject Property 130 Madrid Ave.

(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: 0.464

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

1 BUILDING - COMMERCIAL

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

1 BUILDING - COMMERCIAL

Zoning of Subject Property: R-3 / C2

Proposed Zoning (if applicable): C-2

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

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

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

N/A

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

N/A

Anticipated traffic generation N/A trips per day.

Anticipated development schedule: work will commence on or about N/A

and will take N/A to complete.

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

N/A

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). N/A

\_\_\_\_\_

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes \_\_\_ No X Explain: \_\_\_\_\_

Is there existing landscaping on the property? N/A

Are there existing buffers on the property? ~~N/A~~ YES @ NORTH AND

WEST SIDES OF PROPERTY

Is there existing parking on the property? Yes X No \_\_\_

If yes, is it paved? Yes X No \_\_\_

How many spaces? 4 How many accessible? 0

**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

ZONING PLAN

ATTACHMENT #2

A 0.464 ACRE TRACT

PART OF THE P.T. GONZALES TRACT, TRACT 1

AS RECORDED AUGUST 3, 2005 IN CLERK'S BOOK 631, PAGES 1593-1595

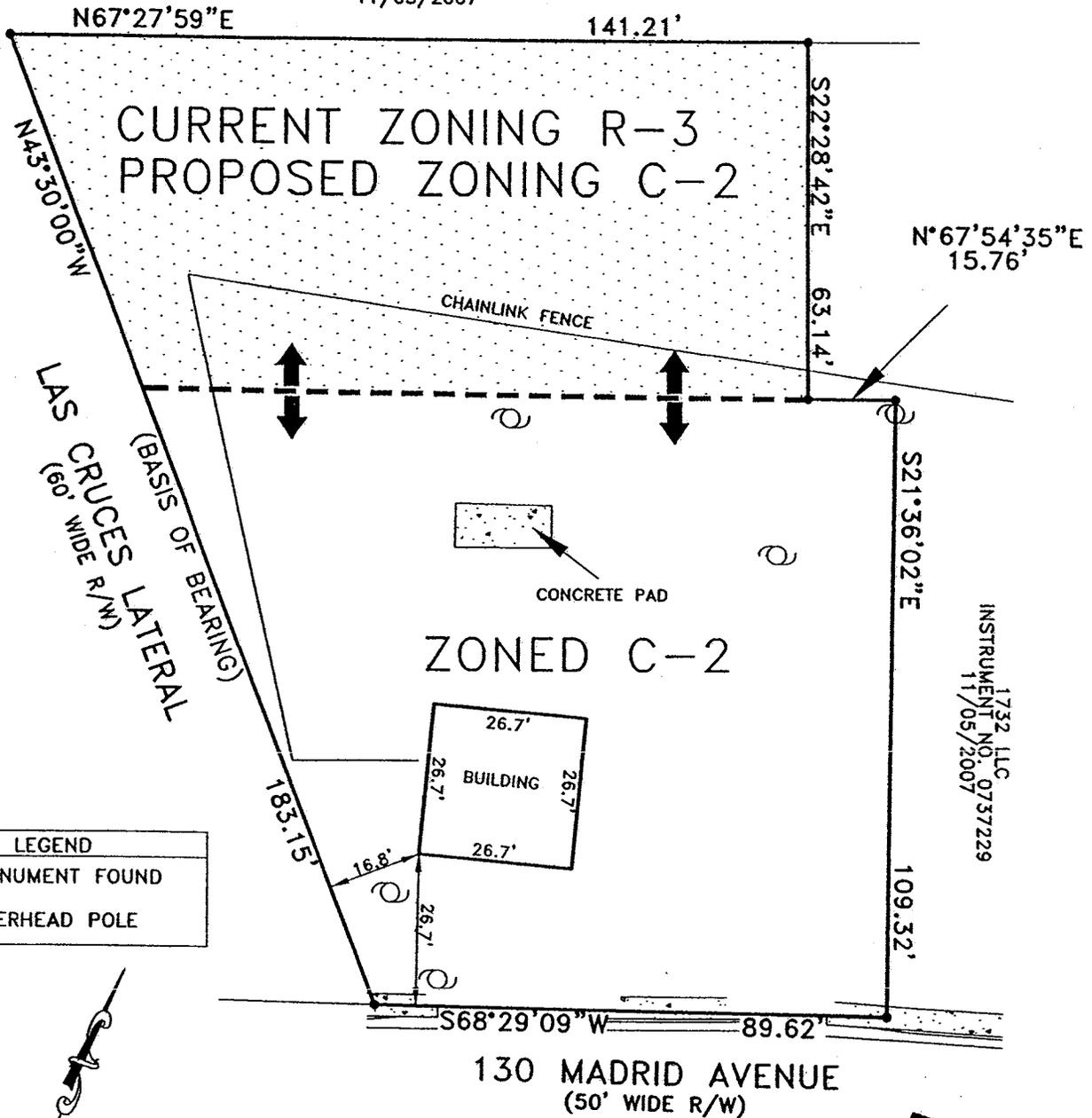
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CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

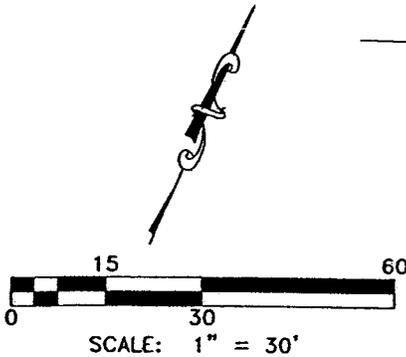
SCALE: 1" = 30'

JUNE 27, 2011

1732 LLC  
INSTRUMENT NO. 0737229  
11/05/2007



LEGEND	
●	MONUMENT FOUND
○	OVERHEAD POLE



**SUMMIT ENGINEERING**  
CIVIL ENGINEERING -DESIGN -CONSULTING  
PO BOX 375 FAIRACRES, NM 88033 (575) 527-5321

## COMPREHENSIVE PLAN ELEMENTS & POLICIES

### Land Use Element (Land Uses)

#### Goal 1 Objective 5:

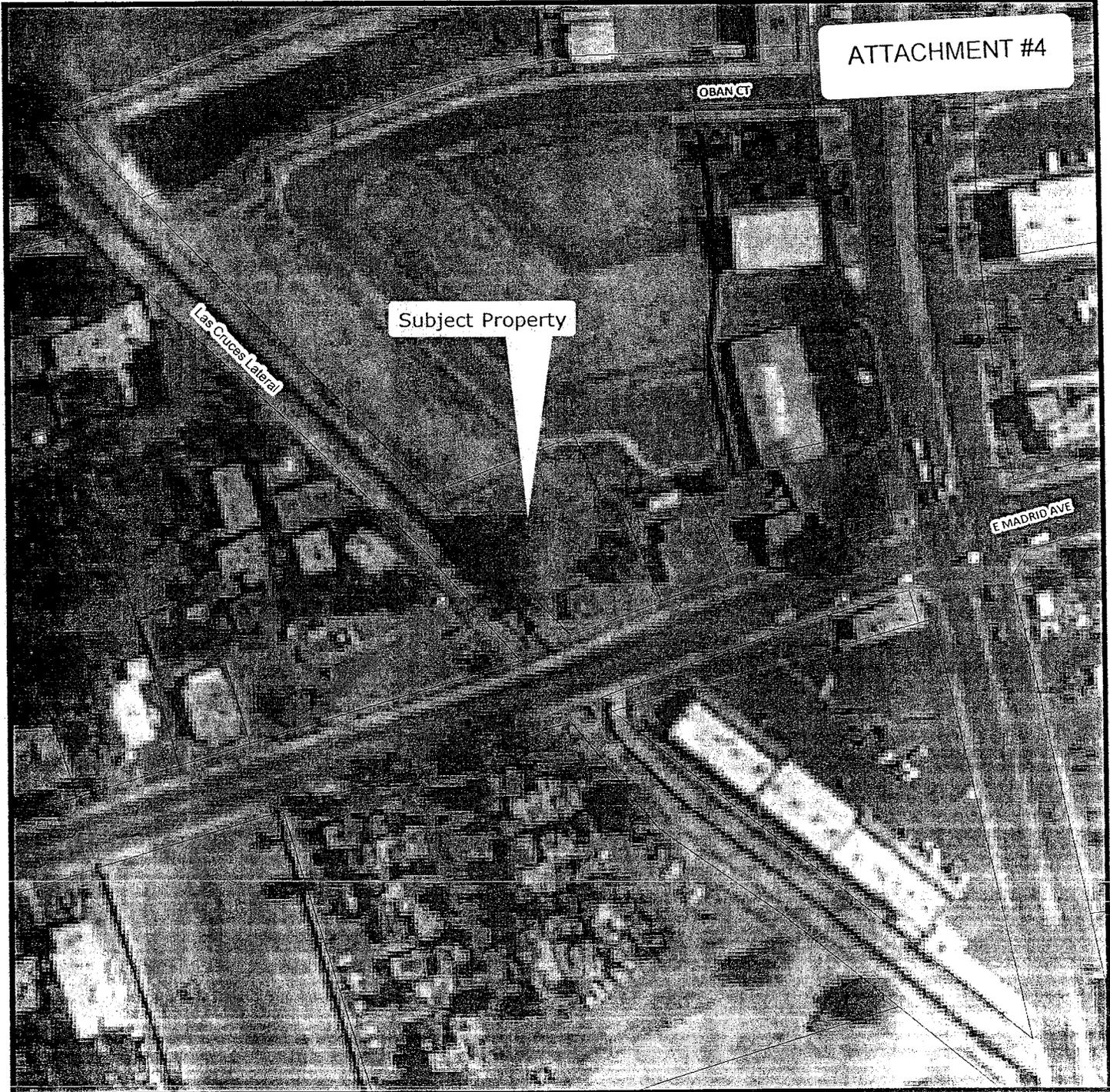
#### Policies

- 1.5.2. Medium intensity commercial uses shall be defined as those commercial uses which provide retail and service activities within a neighborhood area. Medium intensity commercial uses shall generally serve a population of 5,000 to 30,000 people and shall be established according to the following criteria:
- a. Generally 1,500 but not to exceed 5,000 gross square feet shall be permitted for a medium intensity commercial use or center. A business may apply for a special use when said business is greater than 5,000 gross square feet, but may not exceed 6,000 square feet.
  - b. Medium intensity commercial use and centers shall be located on minor collector streets, or at the intersection of streets equal to or greater than collector capacity. 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. An unlimited number of low or medium intensity commercial uses may be located adjacent to one another as long as the combined total of the uses does not exceed 5,000 gross square feet.
  - d. With the exception of low intensity commercial businesses, medium intensity commercial uses shall not be located within one-half ( $\frac{1}{2}$ ) mile of other commercial areas.
  - e. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for medium intensity commercial use and centers.
  - f. Medium intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, a provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for medium intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
  - g. Adequate space for functional circulation shall be provided for parking and loading areas.
  - h. The City shall encourage the development of medium intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment related conflicts to adjacent uses.
  - i. Low intensity commercial uses are permitted in medium intensity commercial areas.

# Aerial View

ZONING: R-3/C-2 TO C-2  
OWNER: 1732 LLC

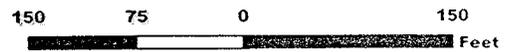
PARCEL: 02-04133  
DATE: 09/20/2011



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## Legend

- Public\_Facilities
- City Parcel
- ▬ Interstates\_Highway
- EBID Water System
- +-+ Railroad
- ▨ Rio Grande
- ▨ Arroyo



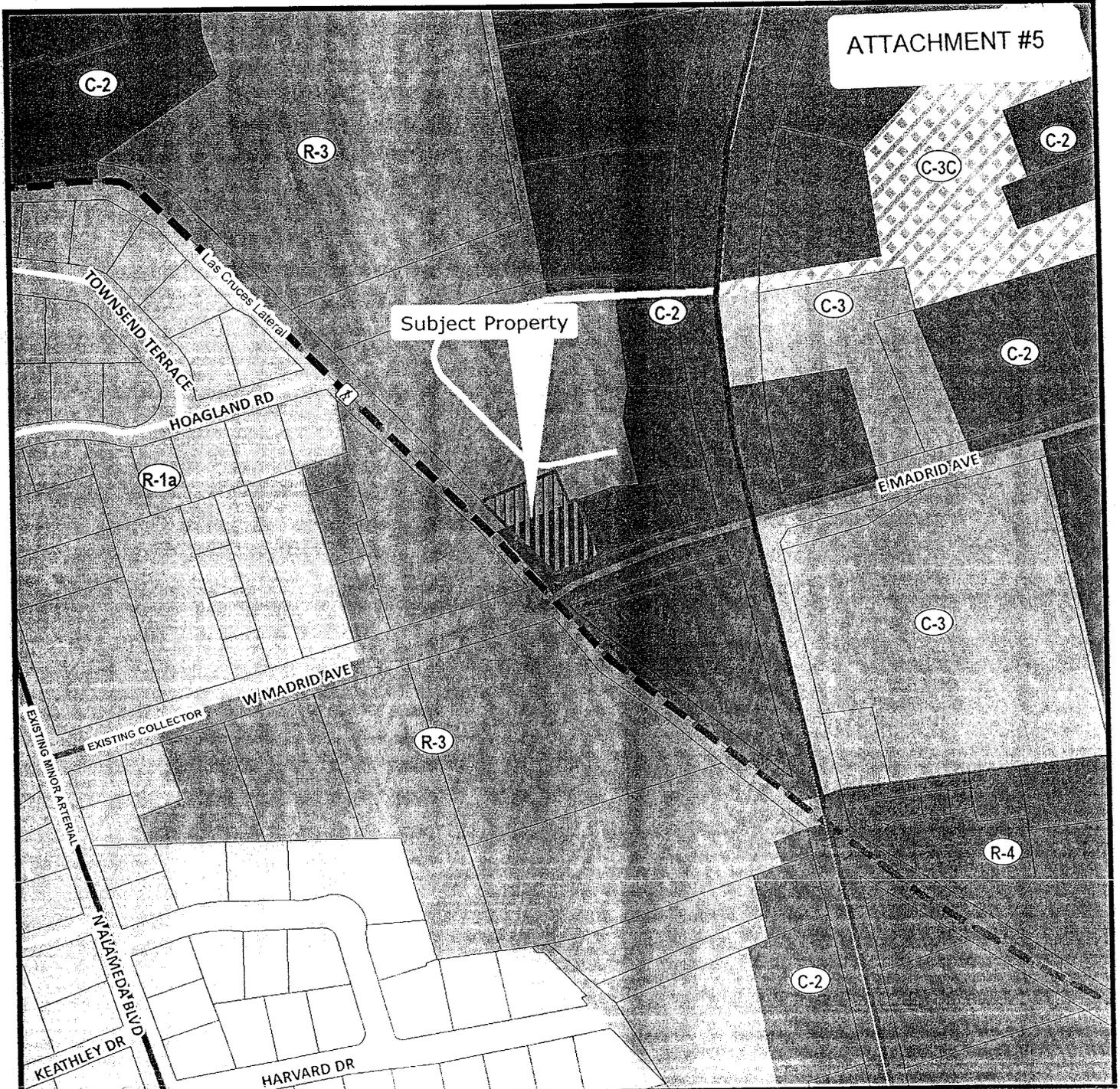
Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 528-3222

# Zone Map

ZONING: R-3/C-2 TO C-2  
OWNER: 1732 LLC

PARCEL: 02-04133  
DATE: 09/20/2011

ATTACHMENT #5



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### Legend

- Public\_Facilities
- ▬ EXISTING LIMITED ACCESS
- ▬ EXISTING PRINCIPAL ARTERIAL
- ▬ EXISTING MINOR ARTERIAL
- ▬ EXISTING COLLECTOR
- ▬ PROPOSED LIMITED ACCESS
- ▬ PROPOSED PRINCIPAL ARTERIAL
- ▬ PROPOSED MINOR ARTERIAL
- ▬ PROPOSED COLLECTOR
- ▬ PROPOSED CORRIDOR
- ▬ PROPOSED INTERCHANGE/UNDERPASS
- ▬ Non Designated Trail
- ▬ Proposed Paved EBID
- ▬ Proposed Unpaved EBID
- ▭ City Parcel
- ▬ Interstates\_Highway
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**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
September 27, 2011 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Shawn Evans, Member

**STAFF PRESENT:**

David Weir, Director, Community Development  
Adam Ochoa, Acting Senior Planner  
Helen Revels, Planner  
Lorenzo Vigil, Acting Assistant Planner  
Mark Dubbin, CLC Fire Department  
Harry "Pete" Connelly, CLC Attorney  
Rusty Babington, CLC Legal Staff  
Bonnie Ennis, Recording Secretary

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

Scholz: Good evening and welcome to the Planning and Zoning Commission meeting for September 27, 2011. My name is Charlie Scholz. I am the Chair of the Commission. Before we begin I want to introduce the other members of the Commission who are here tonight. On my far right is Commissioner Shipley. Commissioner Shipley is the Mayor's appointee. Next to him is Commissioner Crane, who represents District 1...I'm sorry, District 4. Next to him is Commissioner Stowe, who represents District 1. Then there is Commissioner Bustos, who represents District 3. Commissioner Beard, who represents District 2; and I represent Council District 6.

**II. APPROVAL OF MINUTES – August 23, 2011 & September 8, 2011**

Scholz: The first item on the agenda is the approval of minutes and, gentlemen, we are only going to approve the minutes of August 23, 2011, our meeting of the month ago because we do not have a copy yet of the September 8<sup>th</sup> minutes. Any additions or corrections to the

1 Scholz: Okay, two abstentions and four of four. All right.

2  
3 **III. POSTPONEMENTS - NONE**

4  
5 Scholz: There are no postponements. Is that right, Ms. Rodriguez?

6  
7 Rodriguez: Mr. Chairman, that is correct.

8  
9 **IV. CONSENT AGENDA**

10  
11 Scholz: Then the next item is our consent agenda. Now for those of you who  
12 haven't been here before here's how the consent agenda works: we  
13 ask if anyone wishes to speak to any of the cases. If anyone from the  
14 Commission, from the staff or from the public wishes to speak to the  
15 cases then we will put them as the first item on the new business  
16 agenda.

17  
18 *Those items on the consent agenda will be voted by one motion with the acceptance*  
19 *of the agenda. Any Planning and Zoning Commissioner, Staff or member of the*  
20 *public may remove an item from the consent agenda for discussion by the*  
21 *commission.*

- 22  
23 1. **Case Z2843:** Application of Bob Steven Gilbert to rezone from R-1a  
24 (Single-Family Medium Density) to REM-C (Single-Family Residential  
25 Estate Mobile-Conditional) on a 0.98 ± acre lot located on the south side  
26 of Santa Cruz Avenue, 235 ± feet west of its intersection with Mesa  
27 Drive; a.k.a. 5452 Santa Cruz Avenue; Parcel ID# 02-19206. Proposed  
28 Use: A single-family residence with the ability to raise and keep large  
29 animals (horses, mules, donkeys, swine, buffalo and beefalo); Council  
30 District 5.

31  
32 Scholz: So the first case is Z2843. Anyone wishes to speak to that? No?

- 33  
34 2. **Case Z2844:** Application of Summit Engineering on behalf of 1732, LLC  
35 to rezone from R-3/C-2 (Multi-Dwelling Medium Density/Commercial  
36 Medium Intensity) to C-2 (Commercial Medium Intensity) on a 0.464 ±  
37 acre lot located on the north side of Madrid Avenue, 245 ± feet west of  
38 its intersection with Main Street; a.k.a. 130 Madrid Avenue; Parcel ID#  
39 02-04133. Proposed Use: Unspecified commercial medium intensity  
40 use; Council District 1.

41  
42 Scholz: And then case Z2844? I'm sorry, did I miss someone? You wish to  
43 speak to Z2843? Okay, fine, I'll put that as number 1 on our new  
44 business agenda then. All right, anyone wishes to speak to Z2844?  
45 Okay, if not then we'll simply vote on that as our consent agenda item.  
46 Yes, Ms. Revels?

- 1  
2 Revels: The gentleman that raised his hand is actually the property owner so  
3 he doesn't have any comments.  
4  
5 Scholz: Oh, okay. All right, so we'll leave that on the consent agenda then.  
6 So here's how the consent agenda works: we take one vote to  
7 approve all of those items; or I should say, both of those items. All  
8 right? I'll entertain a motion to approve the consent agenda.  
9  
10 Shipley: Move to approve the consent agenda  
11  
12 Scholz: Okay, it's been moved. Is there a second?  
13  
14 Bustos: Second.  
15  
16 Scholz: *(to recording secretary)* Did you get that? You didn't get that. Okay,  
17 Shipley moved and Bustos seconded. All those in favor say aye.  
18  
19 All: Aye.  
20  
21 Scholz: Those opposed same sign. All right, the consent agenda is approved.  
22

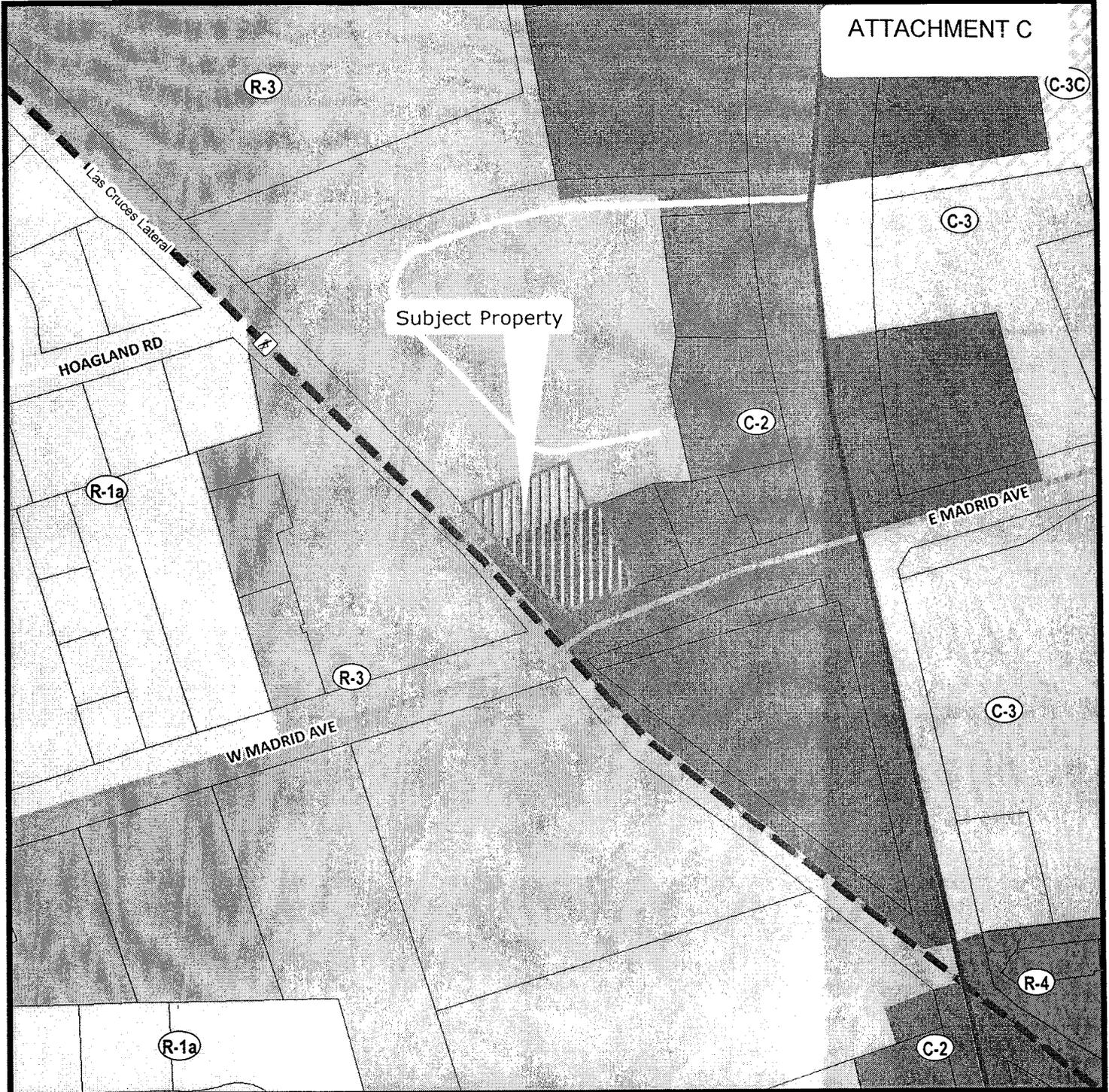
## 23 V. OLD BUSINESS - NONE

- 24  
25 Scholz: That brings us to our...there's no old business, I assume. No.  
26  
27 Rodriguez: No, sir.  
28

## 29 VI. NEW BUSINESS

- 30  
31  
32 1. **Case Z2842:** Application of Ted G. Scanlon on behalf of Hacienda RV,  
33 LLC to rezone from C-3C (Commercial High Intensity-Conditional) to C-  
34 3C (Commercial High Intensity-Conditional) to remove two (2) existing  
35 conditions placed upon the zoning designation on a 6.04 ± acre lot  
36 located on the south side of Stern Drive, 0.35 ± miles east of its  
37 intersection with Avenida de Mesilla; Parcel ID# 02-30595. Proposed  
38 Use: Limited commercial high intensity uses; Council District 4.  
39  
40 Scholz: Okay, that brings us to our new business which is case Z2843...42, I'm  
41 sorry, and Ms. Rodriguez, you are subbing for Mr. Ochoa, I  
42 understand, who is under the weather.  
43  
44 Rodriguez: Mr. Chairman, that is correct.  
45  
46 Scholz: Very nice of you.

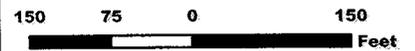
ATTACHMENT C



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**Legend**

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



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