

City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 20 Ordinance/Resolution# 2644

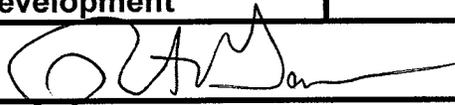
For Meeting of January 17, 2012
(Ordinance First Reading Date)

For Meeting of February 6, 2012
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR A 1.309 ± ACRE TRACT OF LAND LOCATED AT 650 S. VALLEY DRIVE AND A ZONE CHANGE FROM C-3/R-4 (COMMERCIAL HIGH INTENSITY/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR THE 0.668 ± ACRE NORTHERN PORTION OF A 7.91 ± ACRE TRACT OF LAND LOCATED AT 780 S. VALLEY DRIVE SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS ON BEHALF OF TBRC LEASING, LLC AND LAS CRUCES TOYOTA, INC., PROPERTY OWNERS (Z2846).

PURPOSE(S) OF ACTION:

Zone change to allow the expansion of the child care center located at 650 S. Valley Drive and the change of property lines by a subdivision replat.

COUNCIL DISTRICT: 4		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone changes will allow the expansion of an existing child care center and bring the lot containing the child care center into compliance with the 2001 Zoning Code for commercial lot size. The effected properties are located on the west side of Valley Drive, south of Amador Avenue and directly east of the Porter Lateral. The two (2) property tracts are identified as 650 S. Valley Drive (1.309 ± acres) and 780 S. Valley Drive (7.91 ± acres).

To allow the building addition for the child care center, a 0.668 ± acre portion of 780 S. Valley Drive must be purchased and added to the 650 S. Valley Drive property (to meet setback requirements). The additional acreage will be assimilated through the preparation of a subdivision replat for both properties and modify each lot's acreage (650 S. Valley Drive increases to 1.977 acres and 780 S. Valley Drive decrease to 7.242 acres)

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 located at 650 S. Valley Drive encompassing 1.309 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) and the 0.668 ± acre northern portion of the 7.91 ± acre subject property located at 780 S. Valley Drive will be rezoned from C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity). The zone change facilitates the replatting of the two (2) subject properties and the expansion of the child care center located at 650 S. Valley Drive.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the subject property located at 650 S. Valley Drive and the zoning designation of C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) will remain on the northern 0.668 ± acre portion of the subject property located at 780 S. Valley Drive.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. Ordinance 2193.

COUNCIL BILL NO. 12-022
ORDINANCE NO. 2644

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR A 1.309 ± ACRE TRACT OF LAND LOCATED AT 650 S. VALLEY DRIVE AND A ZONE CHANGE FROM C-3/R-4 (COMMERCIAL HIGH INTENSITY/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR THE 0.668 ± ACRE NORTHERN PORTION OF A 7.91 ± ACRE TRACT OF LAND LOCATED AT 780 S. VALLEY DRIVE SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS ON BEHALF OF TBRC LEASING, LLC AND LAS CRUCES TOYOTA, INC., PROPERTY OWNERS (Z2846).

The City Council is informed that:

WHEREAS, TBRC, LLC, the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located at 650 S. Valley Drive; and

WHEREAS, Las Cruces Toyota, Inc., the property owner, has submitted a request for a zone change from C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity) for the 0.668 ± northern portion of property located at 780 S. Valley Drive; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on November 22, 2011, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity) for property located at 650 S. Valley Drive.

(II)

THAT the 0.668 ± acre northern portion of land more particularly described in Exhibit "B," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High intensity) for property located at 780 S. Valley Drive.

(III)

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

(IV)

THAT the zoning of said properties 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 _____ 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

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

APPROVED AS TO FORM:



City Attorney

CHILDREN'S GARDEN REZONE

PROPOSED REZONE OF A 1.309 ACRE TRACT

LEGAL DESCRIPTION

LOT 2, DONA ANA COUNTY FARM
& LIVESTOCK BUREAU SUBDIVISION NO.1
FILED MARCH 14, 2003 IN BOOK 20, PAGES 277-278
OF THE DONA ANA COUNTY RECORDS
OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SEPTEMBER 2011

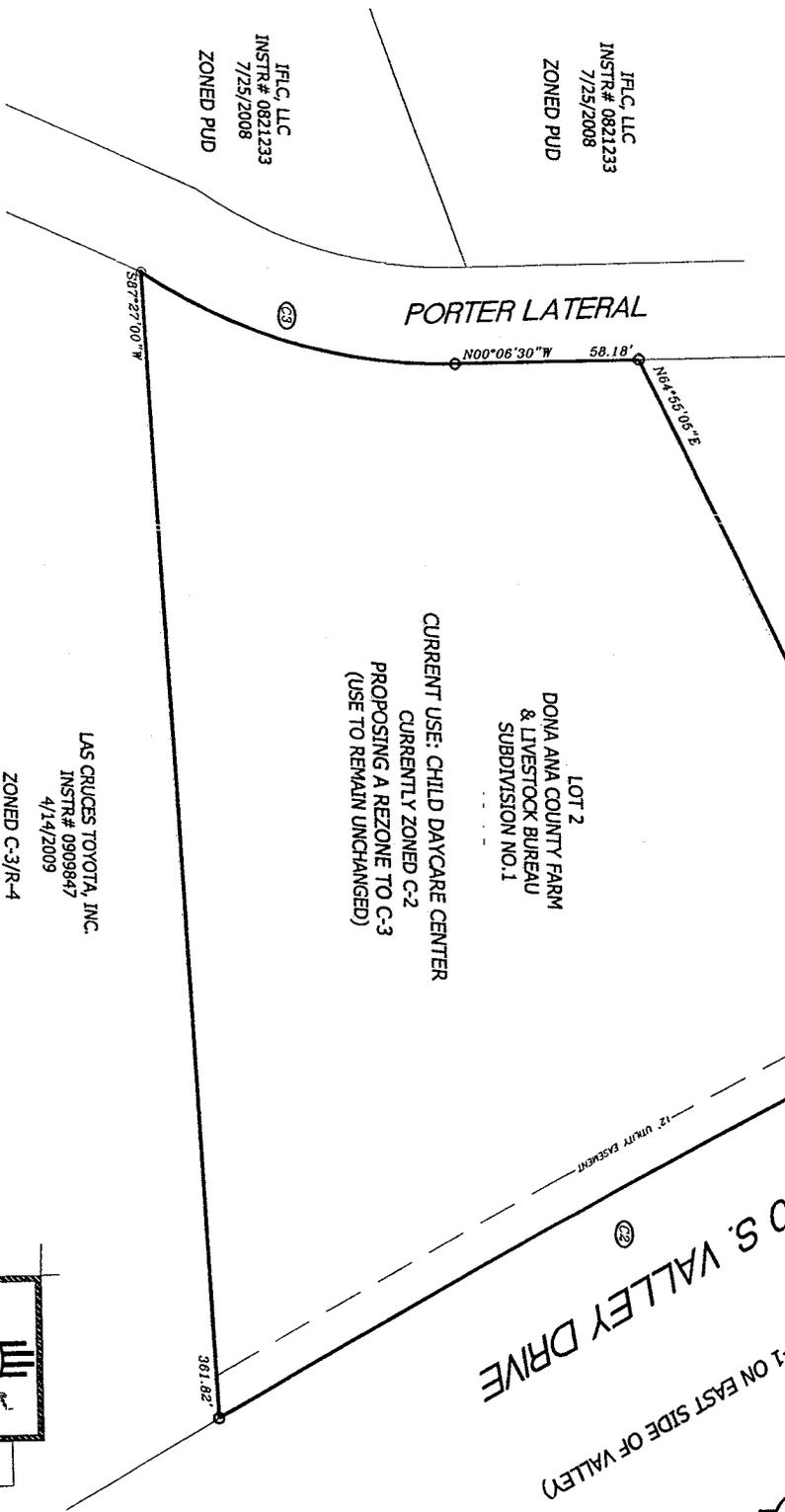
LOT 1
DONA ANA COUNTY FARM
& LIVESTOCK BUREAU
BOOK 20, PAGES 277-278
3/14/2003
ZONED C-2

LOT 2
DONA ANA COUNTY FARM
& LIVESTOCK BUREAU
SUBDIVISION NO.1

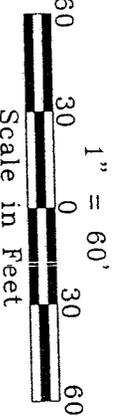
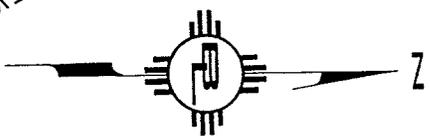
CURRENT USE: CHILD DAYCARE CENTER
CURRENTLY ZONED C-2
PROPOSING A REZONE TO C-3
(USE TO REMAIN UNCHANGED)

LAS CRUCES TOYOTA, INC.
INSTR# 0909847
4/14/2009
ZONED C-3/R-4

767



CURVE	LENGTH	TANGENT	RADIUS	CHORD	BEARING	DELTA
C2	268.01	134.03	5804.74	267.99	S27°30'35"E	02°38'43"
C3	104.74	54.02	173.62	103.16	N17°10'28"E	34°33'53"



BORDEN
ENGINEERS AND SURVEYORS LLC.
2540 N. TELSHER BLVD. STE B
Las Cruces, New Mexico 88011
Phone: (575) 522-1443
Fax: (575) 522-9958

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The property identified as 650 S. Valley Drive currently encompasses 1.309 ± acres and currently consists of a child care center. The property identified as 780 S. Valley Drive currently encompasses 7.91 ± acres and is currently undeveloped.
2. The property identified as 650 S. Valley Drive is currently zoned C-2 (Commercial Medium Intensity) and the property identified as 780 S. Valley Drive is currently zoned C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office).
3. The proposed replat and building permit expanding the legal non-conforming child care center requires the subject properties to come into compliance with the 2001 Zoning Code, as amended.
4. The proposed C-3 (Commercial High Intensity) zoning designation will facilitate compliance with the 2001 Zoning Code, as amended.
5. The subject properties are located along Valley Drive, a principal arterial roadway, as classified by the Metropolitan Planning Organization (MPO).
6. The following policies from the 1999 Comprehensive Plan are relevant to the current proposal:

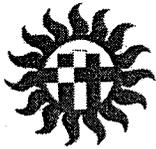
Land Use Element, Goal 1 (Land Uses)

Policy 1.5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other

uses where appropriate, and consideration of the level of traffic and environmental impacts.

- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.



City of Las Cruces®

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: November 1, 2011

CASE # Z2846

PROJECT NAME: 650 & 780 S. Valley Drive (Zone Change)

APPLICANT: Borderland Engineers and Surveyors

PROPERTY OWNERS: TBRC Leasing, LLC & Las Cruces Toyota, Inc.

REQUEST: Zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) at 650 S. Valley Drive and the elimination of the R-4 (Multi-Dwelling High Density & Limited Retail and Office) at 780 S. Valley Drive

PROPOSED USE: Child care center

SIZE: 650 S. Valley Drive encompasses 1.309 ± acres and a 0.668 ± acre northern portion of a 7.91 ± acre lot located at 780 S. Valley Drive

CURRENT ZONING: C-2 (Commercial Medium Intensity) and C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office)

LOCATION: 650 S. Valley Drive is located on the west side of Valley Drive, 0.23 ± miles south of its intersection with Amador Avenue respectively; 780 S. Valley Drive is located on the west side of Valley Drive immediately south of 650 S. valley Drive, 0.275 ± miles south of its intersection with Amador Avenue

COUNCIL DISTRICT: 4

PLANNING COMMISSION DATE: November 22, 2011

PREPARED BY: Adam Ochoa, Planner *AO*

STAFF RECOMMENDATION: Approval

PROPERTY INFORMATION

Address/Location: Both properties are located on the west side of Valley Drive, 0.23 ± and 0.275 ± miles south of their intersection with Amador Avenue; a.k.a. 650 S. Valley Drive and 780 S. Valley Drive; Parcel ID# 02-30048 and 02-02644.

Acreage: 650 S. Valley Drive encompasses 1.309 ± acres and 780 S. Valley Drive encompasses 7.91 ± acres with the 0.668 ± acre northern portion being proposed for the zone change.

Current Zoning: 650 S. Valley Drive is currently zoned C-2 (Commercial Medium Intensity) & 780 S. Valley Drive is currently zoned C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office)

Current Land Use: 650 S. Valley Drive currently consists of a child care center and 780 S. Valley Drive is currently undeveloped.

Proposed Zoning: C-3 (Commercial High Intensity)

Proposed Land Use: Child care center

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

Table 1: Site Analysis

Existing Conditions at 650 S. Valley Drive	
Existing Square Footage of All Buildings	9275 ± square feet
Current Lot Size	57,020 ± square feet
Current Lot Depth/Width	360 ± feet/ 265 ± feet
Existing Building Height	15-feet
Existing Conditions at 780 S. Valley Drive	
Existing Square Footage of All Buildings	N/A
Current Lot Size	344,560 ± square feet
Current Lot Depth/Width	520 ± feet/ 677 ± feet
Existing Building Height	N/A
Development Standards for Proposed Zoning of C-3	
Minimum Lot Size	21,780 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70-feet/60-feet
Maximum Building Height	60-feet

PHASING

Is phasing proposed? Yes No

If yes, how many phases?

Timeframe for implementation:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Properties		Child Care Center/ Undeveloped	C-3/ C-3/R-4	Commercial High Intensity/ Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office
Surrounding Properties	North	Farm & Livestock Bureau	C-2	Commercial Medium Density
	South	Single-Family Residences/ Restaurant	R-1a/C-2	Single-Family Medium Density/Commercial Medium Intensity
	East	Veterinary Clinic/ Private Club/ Auto Dealership	M-1/M-2 C-2	Industrial Standard/ Commercial Medium Intensity
	West	Undeveloped/ Porter Lateral	R-1a/ PUD	Single-Family Medium Density/ Planned Unit Density

HISTORY

Previous applications? Yes No

If yes, please explain: In 2005 there was an ordinance approved by City Council for the zone change of the subject property located at 780 S. Valley Drive from C-2 (Commercial Medium Intensity) to C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) with the maximum number of dwelling units limited to 40 on the subject property and the maximum building height limited to 60 feet on the subject property. The subject property was zoned C-3/R-4 to bring the subject property into compliance with the 2001 Zoning Code, as amended, and to allow for flexibility in the future development of the subject property by the property owner.

Previous ordinance number? 2193

Previous uses if applicable:

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Policy 1.5.3

Analysis: The proposed zone change will facilitate the replatting of the two subject properties and the expansion of the existing child care center at 650 S. Valley Drive. The subject properties are located along a designated principal arterial roadway (Valley Drive) where commercial high intensity uses are encouraged. The subject properties are also located on a section of Valley Drive where the proposed commercial high intensity zoning designation is not out of character. Recommendation of approval.

REVIEWING DEPARTMENT COMMENTSFire Prevention:

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

Type of building occupancy: Type E

Nearest Fire Station

Distance: 1.00 ± miles

Address: 390 N. Valley Drive

Adequate Capacity to Accommodate Proposal? Yes No

Additional Comments: Recommendation of approval.

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone X

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 type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Sidewalk extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Curb & gutter extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Paving extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: Recommendation of approval.

MPO:

Road classifications: Valley Drive is designated as a principal arterial roadway

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? 645 ± feet north of the subject property on Valley Drive.

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: The proposed expansion of the child care center requires the applicant to provide a traffic study to determine if the applicant is required to build a left turn lane at the median for the subject property. A building permit shall not be issued until it has been determined whether a left turn lane at the median is required to be built or not.

Are road improvements necessary? Yes No N/A

If yes, please explain: A left turn lane at the median directly adjacent to the subject properties may be required. If the traffic study requires the build out of a left turn lane, then the applicant will be required to construct the left turn lane in the median.

Was a TIA required? Yes No N/A

If yes, summarize the findings: The TIA shall be required to be submitted and approved prior to the issuing of a building permit.

Did City of Las Cruces Traffic Engineer Require a TIA? No, however a TIA was requested by NMDOT.

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

Site Accessibility

Adequate driving aisle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input 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: No parking is permitted along Valley Drive.

Future Intersection Improvements

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

Additional Comments: Final approval is contingent upon approval of a traffic study by NMDOT. This issue shall be finalized prior to the issuing of a building permit.

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: Mac Arthur Elementary School | Distance (miles): 0.72 ± miles |
| Enrollment: 464 | |
| 2. Middle School: Picacho Middle School | Distance (miles): 1.56 ± miles |
| Enrollment: 844 | |
| 3. High School: Las Cruces High School | Distance (miles): 1.15 ± miles |
| Enrollment: 2236 | |

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 ANALYSISParking:

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

If yes, how many parking spaces presently exist? 28 How many are accessible? 2

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

If yes, how many parking spaces will be required?

How many accessible?

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

If yes, describe:

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

Comments: A building permit has already been submitted for review for the proposed expansion of the child care center. The expansion will provide the required auto and bicycle parking required by the 2001 Zoning Code, as amended.

Landscaping and Buffering:

Is there existing landscaping on the subject property? Yes No N/A

If yes, is the landscaping adequate to serve the proposed use? Yes No

If no, what landscaping will be required?

Are there existing buffers on the subject property? Yes No N/A

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

If no, what additional buffering will be required? The subject properties are not required to provide any buffering to adjacent properties. Regular setbacks will be required to be followed. The child care center expansion is proposing to provide a 6-foot tall masonry wall around the proposed new playground area to provide an additional buffer to the rear and side property lines to provide additional safety for the children in the child care center.

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	The subject properties are adjacent to the Porter Lateral, but the proposed zone change, replat and building expansion does not impact the lateral.
Medians/ Parkways Landscaping	No	N/A

Table 4: Project Chronology

Date	Action
September 30, 2011	Application submitted to Development Services
October 3, 2011	Case sent out for review to all reviewing departments
October 12, 2011	All comments returned by all reviewing departments
October 27, 2011	Staff reviews and recommends approval of the zone change
November 6, 2011	Newspaper advertisement
November 10, 2011	Public notice letter mailed to neighboring property owners
November 13, 2011	Sign posted on property
November 22, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

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

The subject properties are currently proposed to be replatted. The property identified as 650 S. Valley Drive currently encompasses 1.309 ± acres and currently consists of a child care center. The property identified as 780 S. Valley Drive currently encompasses 7.91 ± acres and is currently undeveloped. The proposed replat would add the 0.668 ± acre northern portion of 780 S. Valley Drive to 650 S. Valley Drive. The newly replatted property identified as 650 S. Valley Drive would then measure 1.977 ± acres in size and 780 S. Valley Drive would measure 6.601 ± acres in size.

Currently the property identified as 650 S. Valley Drive is zoned C-2 (Commercial Medium Intensity) and consists of an existing child care center that was built under the 1981 Zoning Code when maximum lot size was not a development standard. Now, under the 2001 Zoning Code, as amended, the C-2 zoning district has a maximum lot size requirement of one (1) acre. The existing child care center is now a legal non-conforming use due to it exceeding the maximum acreage requirement. The proposed replat and expansion of the legal non-conforming child care center requires the property identified as 650 S. Valley Drive to pursue a zone change to C-3 (Commercial High Intensity) to bring the property into compliance with the 2001 Zoning Code, as amended.

The proposed replat also requires the 0.668 ± acre northern portion of the property identified as 780 S. Valley Drive to seek the elimination of the R-4 (Multi-Dwelling High Density & Limited Retail and Office) zoning designation to allow that portion of the subject property to match the new C-3 zoning designation of the property identified as 650 S. Valley Drive and clean up the zoning for the proposed replat. The newly replatted lot would be required to follow all C-3 development standards and facilitates the expansion of the child care center.

FINDINGS

1. The property identified as 650 S. Valley Drive currently encompasses 1.309 ± acres and currently consists of a child care center. The property identified as 780 S. Valley Drive currently encompasses 7.91 ± acres and is currently undeveloped.
2. The property identified as 650 S. Valley Drive is currently zoned C-2 (Commercial Medium Intensity) and the property identified as 780 S. Valley Drive is currently zoned C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office).
3. The proposed replat and building permit expanding the legal non-conforming child care center requires the subject properties to come into compliance with the 2001 Zoning Code, as amended.
4. The proposed C-3 (Commercial High Intensity) zoning designation will facilitate compliance with the 2001 Zoning Code, as amended.
5. The subject properties are located along Valley Drive, a principal arterial roadway, as classified by the Metropolitan Planning Organization (MPO).

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 Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: TBRC Leasing, LLC (Randy Farmer)
Contact Person: Steve Bradee, Borderland Engineers & Surveyors
Contact Phone Number: (575) 522-1443
Contact e-mail Address: sbradee@zianet.com
Web site address (if applicable): _____

Proposal Information

Location of Subject Property 650 S. Valley Drive
(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)
Current Zoning of Property: C-2
Proposed Zoning: C-3
Acreage of Subject Property: 1.309 AC.

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

An existing Children's Day Care will remain in use. The rezone will bring the property into compliance with both its use & acreage. A replat is being proposed which will increase the property size to allow for an addition to the existing Day Care.

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

- Building Plans submitted by others (Studio-d Architects)

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

Anticipated traffic generation _____ trips per day (if known).

Anticipated development schedule: Work will commence on or about Oct 15, 2011
and will take approximately until Feb. 15 / 2012 to complete.

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

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

Attachments

Please attach the following: (* indicates optional item)

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
 Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: Las Cruces Toyota, Inc.
 Contact Person: Steve Bradee, Borderland Engineers + Surveyors
 Contact Phone Number: (575) 522-1443
 Contact e-mail Address: shradee@zianet.com
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property 780 S. Valley Drive

(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: C-3 / R-4

Proposed Zoning: C-3

Acreage of Subject Property: 0.6676 AC of 7.91 AC

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

This property is being used for the addition to the Children's Garden Day care. The rezone will allow the entire Day care lot to be zoned C-3.

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

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

Anticipated traffic generation _____ trips per day (if known).

Anticipated development schedule: Work will commence on or about Currently permitted for construction and will take approximately until Feb. 2012 to complete.
How will storm water runoff be addressed (on-lot ponding, detention facility, etc.)?

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

Attachments

Please attach the following: (* indicates optional item)

- Location map
- Detailed site plan
- Proposed building elevations*
- Renderings or architectural or site design features*
- Other pertinent information*

CHILDREN'S GARDEN REZONE

PROPOSED REZONE OF A 1.309 ACRE TRACT

LEGAL DESCRIPTION

LOT 2, DONA ANA COUNTY FARM
& LIVESTOCK BUREAU SUBDIVISION NO.1
FILED MARCH 14, 2003 IN BOOK 20, PAGES 277-278
OF THE DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SEPTEMBER 2011

LOT 1
DONA ANA COUNTY FARM
& LIVESTOCK BUREAU
BOOK 20, PAGES 277-278
3/14/2003
ZONED C-2

LOT 2
DONA ANA COUNTY FARM
& LIVESTOCK BUREAU
SUBDIVISION NO.1
1.309 AC.
CURRENT USE: CHILD DAYCARE CENTER
CURRENTLY ZONED C-2
PROPOSING A REZONE TO C-3
(USE TO REMAIN UNCHANGED)

LAS CRUCES TOYOTA, INC.
INSTR# 0909847
4/14/2009
ZONED C-3/R-4

784

PORTER LATERAL

N00°06'30"W 58.18'
N64°55'05"E

S97°27'00"W

228.92'

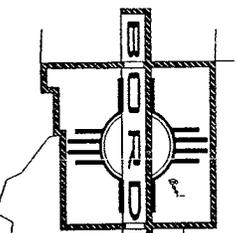
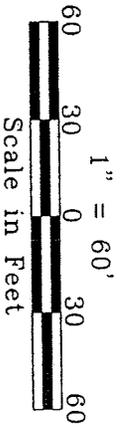
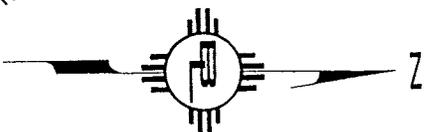
650 S. VALLEY DRIVE
(ZONED M-1 ON EAST SIDE OF VALLEY)

23

12' UTILITY EASEMENT

361.82'

CURVE	LENGTH	TANGENT	RADIUS	CHORD	BEARING	DELTA
C2	260.01	134.03	5604.24	267.99	S27°30'56"E	02°38'43"
C3	104.74	54.02	173.62	103.16	N17°10'28"E	34°33'53"



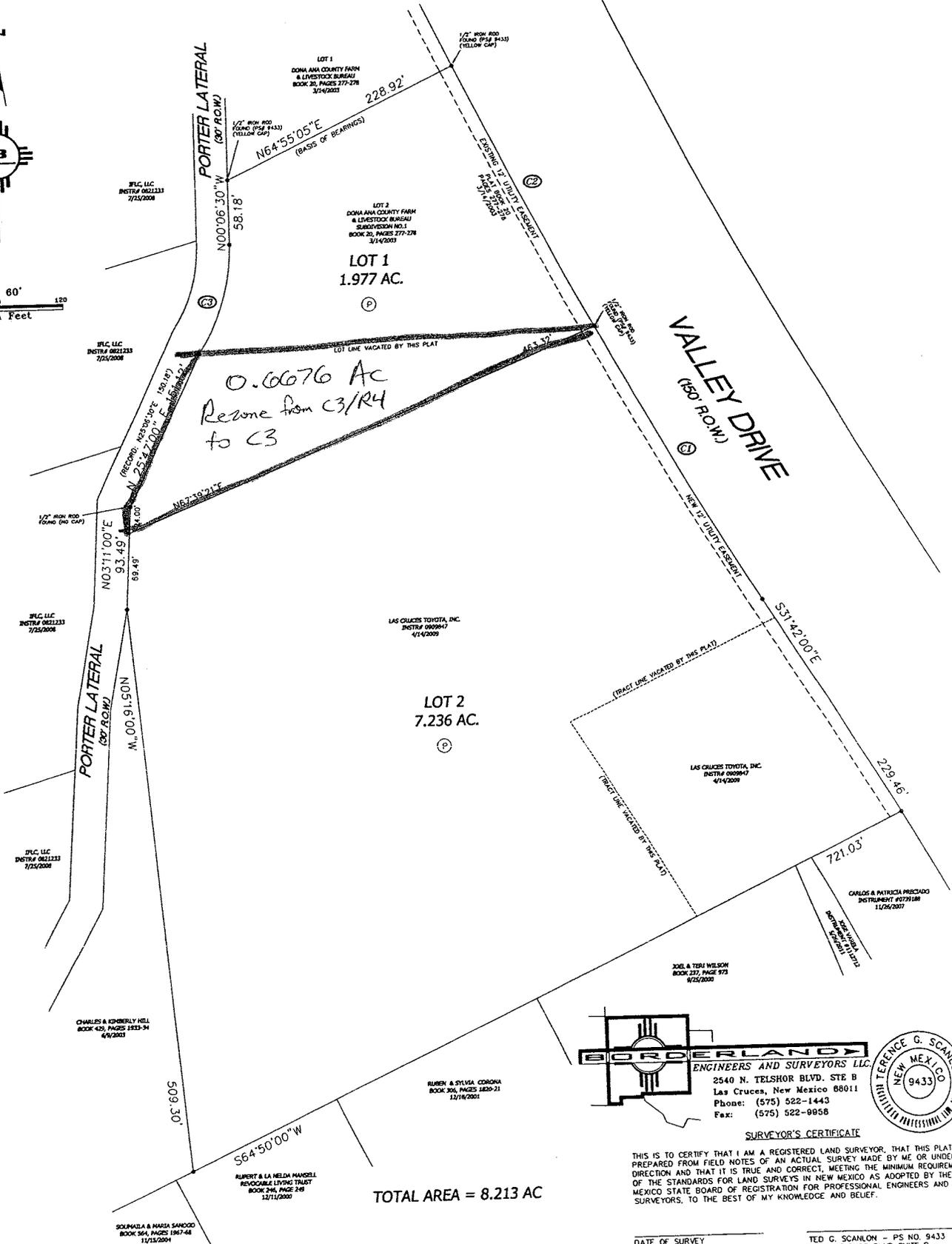
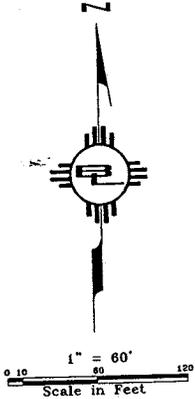
BORDERLAND
ENGINEERS AND SURVEYORS LLC
2540 N. TELSHER BLVD. STE B
Las Cruces, New Mexico 88011
Phone: (575) 522-1443
Fax: (575) 522-9958

785 CHILDREN'S GARDEN SUBDIVISION NO. 1

BEING A REPLAT OF LOT 2, DONA ANA COUNTY FARM & LIVESTOCK BUREAU SUBDIVISION NO. 1
AS FILED MARCH 14, 2003 IN BOOK 20, PAGES 277-278
AND THE LAS CRUCES TOYOTA, INC. PROPERTY
AS FILED APRIL 14, 2009 AS INSTRUMENT NO. 0909847
BOTH OF THE DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SEPTEMBER, 2011

CURVE TABLE					
CURVE	LENGTH	TANGENT	RADIUS	CHORD	DELTA
C1	290.44	145.25	5805.00	290.41	S30°15'58"E 02°52'00"
C2	268.01	134.03	5804.74	267.99	S27°30'35"E 02°38'43"
C3	104.74	54.02	173.62	103.16	N17°10'28"E 34°33'53"

* (RECORD: 290.67)



TOTAL AREA = 8.213 AC

BORDERLAND
ENGINEERS AND SURVEYORS LLC
2540 N. TELSHOR BLVD. STE B
Las Cruces, New Mexico 88011
Phone: (575) 522-1443
Fax: (575) 522-9958



SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF SURVEY _____

TED G. SCANLON - PS NO. 9433
2540 TELSHOR BLVD SUITE B
LAS CRUCES, NEW MEXICO 88011

COMPREHENSIVE PLAN ELEMENTS & POLICIES

Land Use Element, Goal 1 (Land Uses)

Policy 1.5.3

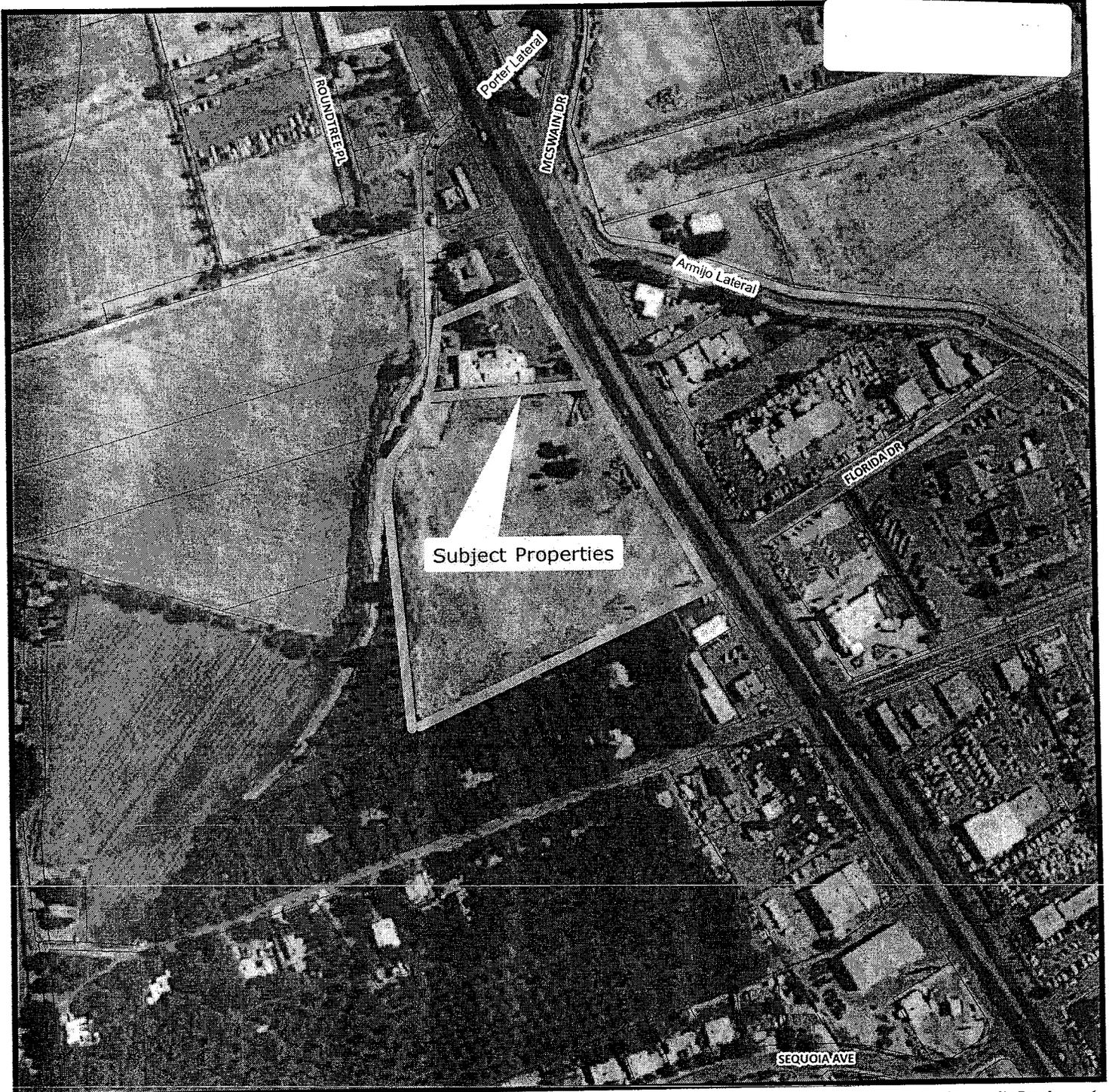
High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according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

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.
- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

ZONING: C-2 & R-4/C-3 TO C-3
 OWNER: TBRC LEASING, LLC &
 LAS CRUCES TOYOTA INC.

787
 Aerial View

DATE: 10/24/2011
 PARCEL: 02-30048 &
 02-02644



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

Legend

● Public_Facilities	—●— EBID Water System	▨ Arroyo
▭ City Parcel	—+— Railroad	
▬ Interstates_Highway	▨ Rio Grande	

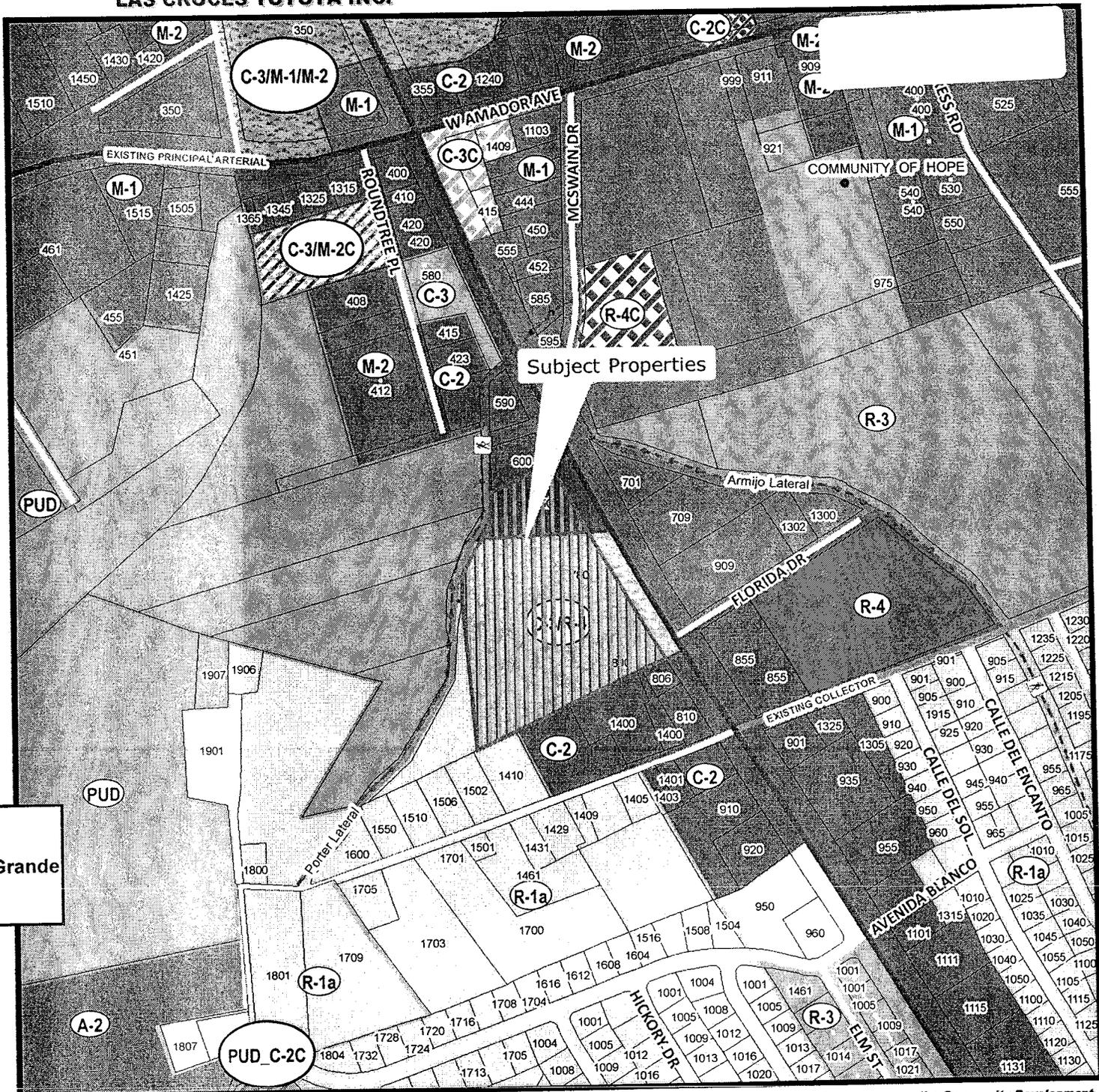

 150 75 0 150 300
 Feet

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

ZONING: C-2 & R-4/C-3 TO C-3
OWNER: TBRC LEASING, LLC &
LAS CRUCES TOYOTA INC.

788
Zone Map

DATE: 10/24/2011
PARCEL: 02-30048 &
02-02644



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Legend

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



150 75 0 150 300 450
 Feet

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

- 1 Evans: Yes, sir. I seconded.
 2
 3 Scholz: Okay, I will call the roll. Commissioner Shipley.
 4
 5 Shipley: I vote nay, findings, discussion and site visit.
 6
 7 Scholz: Okay. Commissioner Crane.
 8
 9 Crane: Aye, findings, discussion and site visit.
 10
 11 Scholz: Commissioner Stowe.
 12
 13 Stowe: Aye, findings and discussion.
 14
 15 Scholz: Commissioner Evans.
 16
 17 Evans: Aye, findings and discussion.
 18
 19 Scholz: Commissioner Beard.
 20
 21 Beard: Aye, findings and discussion.
 22
 23 Scholz: And the Chair votes aye for findings, discussion and site visit. All right,
 24 so that's approved.
 25
 26 2. **Case Z2846:** Application of Borderland Engineers and Surveyors on
 27 behalf of TBRC Leasing, LLC to rezone from C-2 (Commercial Medium
 28 Intensity) to C-3 (Commercial High Intensity) on a 1.309 ± acre lot located
 29 on the west side of Valley Drive, 0.23 ± miles south of its intersection with
 30 Amador Avenue and an application of Borderland Engineers and
 31 Surveyors on behalf of Las Cruces Toyota, Inc. to eliminate the R-4 (Multi-
 32 Dwelling High Density & Limited Retail and Office) zoning designation on
 33 the 0.668 ± acre northern portion of a 7.904 ± acre lot located on the west
 34 side of Valley Drive, 0.275 ± miles south of its intersection with Amador
 35 Avenue, a.k.a. 650 S. Valley Drive and 780 S. Valley Drive; Parcel ID# 02-
 36 30048 and 02-02644. Proposed Use: The two subject properties will be
 37 replatted and the existing child care center at 650 S. Valley Drive will be
 38 expanded; Council District 4. **APPROVED 6-0**
 39
 40 Scholz: Our next item is case Z2846. Mr. Ochoa, you're up again.
 41
 42 Ochoa: The second case tonight, gentlemen, the last case for tonight is case
 43 Z2846. It is a request for a zone change from C-2, which is
 44 Commercial Medium Intensity, to C-3, Commercial High Intensity, for a
 45 parcel located at 650 South Valley Drive. In addition to that there is
 46 also a request to eliminate the R-4 zoning designation, which is Multi-

1 Dwelling High Density and Limited Retail and Office from a portion of a
2 parcel located at 780 South Valley Drive.

3 Seen here on the vicinity map the subject property located here,
4 again surrounded with the light blue line and hashed out with the
5 stripes located on the west side of Valley Drive and directly adjacent
6 to, I believe, that is the Porter Lateral to the west of the property.

7 Just some case specifics and findings: both subject properties
8 are currently located on the west side of Valley Drive approximately a
9 quarter-of-a-mile south of Valley Drive's intersection with Amador
10 Avenue. The property known as 650 South Valley Drive currently
11 encompasses 1.309 acres, is currently zoned C-2, like I said,
12 Commercial Medium Intensity and currently consists of a child care
13 center. The proposed zone change tonight to C-3...essentially, the
14 way the property exists now it is a non-conforming property since it
15 exceeds the one-acre maximum lot size of the C-2 zoning designation
16 requiring a C-3 zoning designation to bring it into compliance with the
17 2001 Zoning Code.

18 The property known as 780 South Valley Drive encompasses
19 approximately 7.91 acres. The whole parcel is currently zoned C-3/R-
20 4, which is Commercial High Intensity/Multi-Dwelling High Density and
21 Limited Retail and Office and is currently vacant or undeveloped.
22 Essentially, the zone change or the elimination of the R-4 zoning
23 designation is only for the northern 0.668-acre portion of this 7.91-acre
24 lot that is being proposed to, again, eliminate the R-4 zoning
25 designation. Essentially, what's going on is the applicant is proposing
26 to replat two properties adding that 0.688-acre portion of the larger
27 tract to the smaller tract to the north, the 650 South Valley Drive,
28 essentially increasing the size of 650 South Valley Drive and making
29 780 South Valley Drive a smaller lot. That new portion that'll be
30 replatted into that lot of 650 South Valley Drive is proposed to be the
31 area for the expansion of the existing child care center at 650 South
32 Valley Drive. The Metropolitan Planning Organization has classified
33 Valley Drive as a Principal Arterial roadway.

34 Here is an aerial, just to show the two lots, a better description
35 of where it is again. There is the existing child care center at 650
36 South Valley Drive and the undeveloped lot at 780 South Valley Drive.

37 Here on the site plan, this is the proposed replat that is
38 happening for the properties, the two subject properties. This is where
39 the lot line currently exists and where it will be moved adding, again,
40 that 0.688-acre lot to the northern lot. Essentially, by eliminating the R-
41 4 zoning designation you're giving it just the C-3 zoning designation,
42 making it line up with the proposed zoning designation we're proposing
43 for tonight from C-2 to C-3 to make that whole, what would be
44 approximately 1.69 acres C-3, and would allow the child care center on
45 there by right and would have the property follow all 2001 Zoning Code
46 Regulations.

1 Staff has reviewed this zone change request and recommends
 2 approval without conditions based on the preceding findings. The
 3 recommendation tonight by the Planning and Zoning Commission will
 4 be forwarded to the City Council for final consideration.

5 With that tonight, gentlemen, your options are: 1) to vote "yes"
 6 to approve the request as recommended by staff for case Z2846; 2) to
 7 vote "yes" and approve the request with additional conditions as
 8 deemed appropriate by the Commission; 3) to vote "no" and deny the
 9 request, or; 4) to table and postpone and direct staff accordingly.
 10 There has been no public input to staff by phone calls or by writing at
 11 all. I stand for questions and the applicant is present here as well and
 12 is available for questions.
 13

14 Scholz: All right, thank you, Mr. Ochoa. Any questions for this gentleman?
 15 Commissioner Shipley.
 16

17 Shipley: In the staff report on page 7 of 9 on Landscaping and Buffering it says:
 18 there's... "Are there existing buffers on the subject property?" And it
 19 says: "No." And so, if no, are they required to do some buffering on this
 20 property to separate the uses? One's C-3 and one's C-3/R-4?
 21

22 Ochoa: Mr. Chairman, Commissioner Shipley, since there's no current use on
 23 that southern portion of the property right now there's no requirement
 24 for a buffer against that area currently; and in the future, if somebody
 25 does go in adjacent to that that the land use will require buffering then
 26 that vacant lot will have to provide the buffer adjacent to the child care
 27 to the north, sir.
 28

29 Scholz: Was that clear, Commissioner Shipley? Okay. I think it also says in
 30 one of the paragraphs at the top that the child care center expansion is
 31 proposing a 6-foot tall masonry wall around their new playground area
 32 so that's going to be a buffer for them. Okay, any other questions for
 33 this gentleman? All right, may we hear from the applicant?
 34

35 Scanlon: Thank you, Mr. Chairman, Members of the Commission. My name's
 36 Ted Scanlon and I represent the applicant. This is basically a case to
 37 clean up the zoning on the existing tract that is currently out of
 38 compliance with the 2001 Zoning Code due to the size of the tract of
 39 being greater than one acre. And then it allows us the opportunity to
 40 make the zoning district boundaries coincide with the proposed
 41 boundary that will be created by the replat of the property to move that
 42 property line to allow for expansion of the day care center. Obviously,
 43 this subdivision process and all of the building permit processes and all
 44 the other processes that we have to go through in order to achieve that
 45 will have to meet all of the City's Standards and Requirements and
 46 those of the other reviewing agencies, such as New Mexico State

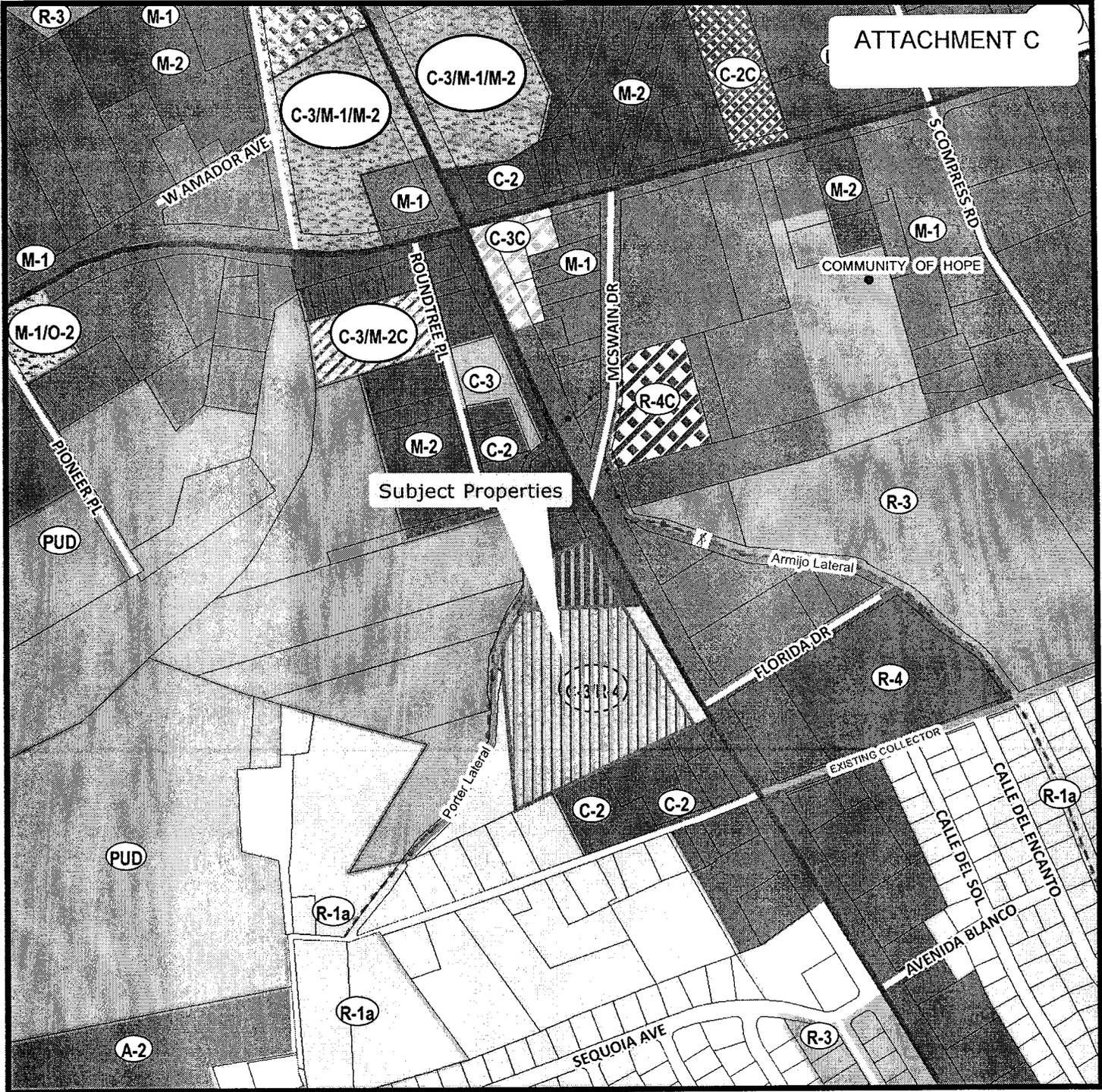
- 1 Highway and Transportation Department or the New Mexico State
2 Department of Transportation. So, having said that, all we're doing is
3 to be able to move that lot line and have the zoning district boundaries
4 coincide with the lot lines.
5
- 6 Scholz: All right, any questions for this gentleman? Thank you, Mr. Scanlon.
7 Anyone from the public wishes to speak to this? Okay, hearing none,
8 I'm going to close it for public discussion. Gentlemen, what is your
9 pleasure?
10
- 11 Crane: I move that the application Z2846 be approved.
12
- 13 Scholz: Okay, it's been moved. Is there a second?
14
- 15 Evans: I second.
16
- 17 Scholz: Okay, Crane moves and Evans seconded. I'll call the roll.
18 Commissioner Shipley.
19
- 20 Shipley: Aye, findings, discussion and site visit.
21
- 22 Scholz: Commissioner Crane.
23
- 24 Crane: Aye, findings, discussion and site visit.
25
- 26 Scholz: Commissioner Stowe.
27
- 28 Stowe: Aye, findings and discussion.
29
- 30 Scholz: Commissioner Evans.
31
- 32 Evans: Aye, findings and discussion.
33
- 34 Scholz: Commissioner Beard.
35
- 36 Beard: Aye, findings, discussions and site visit.
37
- 38 Scholz: And the Chair votes aye for findings, discussion and site visit. So
39 Z2846 is approved and sent up to City Council.
40

41 VIII. OTHER BUSINESS

42

- 43 Scholz: All right, looking at our agenda...if I can find my agenda here...which is
44 buried somewhere...can I borrow your agenda, Mr. Beard? I
45 appreciate it. Thank you. We have Other Business. No Other
46 Business in front of us.
47

ATTACHMENT C



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

Legend

● Public_Facilities	▬ EXISTING LIMITED ACCESS	▬ 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	


 15075 0 150 300 450
 Feet
Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222