

**City of Las Cruces**  
PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 21

Ordinance/Resolution# 2645

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-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR A 1.79 ± ACRE PARCEL KNOWN AS LOT C-1 OF THE LOS ENAMORADOS ESTATES MASTER PLANNED AREA LOCATED AT THE NORTHWEST CORNER OF MESA GRANDE AND CALLE BELLA SUBMITTED BY SOUTHWEST ENGINEERING, INC., PROPERTY OWNER (Z2847).

**PURPOSE(S) OF ACTION:**

Zone change to facilitate the development of a commercial retail store.

<b>COUNCIL DISTRICT: 5</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

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

The subject property is located in the Los Enamorados Estates master planned area an east mesa development located north of US Highway 70 approximately 0.75 ± miles north Onate High School. The subject property is known as lot C-1 and is currently undeveloped. The proposed zone change will facilitate compliance with the 2001 Zoning Code, as amended, for the development of a commercial retail store on the subject property.

The zone change is being requested to rezone the 1.79 ± acre subject property from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional). The applicant is proposing to develop the entire property with a commercial retail store, but the existing C-2 zoning designation has a maximum lot size requirement of one (1) acre. The proposed C-3C zoning designation will facilitate compliance for the subject property with the 2001 Zoning Code, as amended, with the maximum lot size requirement. The C-2 zoning district is intended to provide retail and services land uses for adjacent neighborhoods and serve a population of 5,000 to 30,000 residents. The C-3 zoning district is intended to provide retail, service and wholesale land uses for the overall city and regional markets and serve a population of over



**FUND EXPENDITURE SUMMARY:**

<b>Fund Name(s)</b>	<b>Account Number(s)</b>	<b>Expenditure Proposed</b>	<b>Available Budgeted Funds in Current FY</b>	<b>Remaining Funds</b>	<b>Purpose for Remaining Funds</b>
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 the northwest corner Mesa Grande and Calle Bella will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional).
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the subject property.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION:**

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

1. Ordinance 2159.
2. Resolution 05-206.

COUNCIL BILL NO. 12-023  
ORDINANCE NO. 2645

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR A 1.79 ± ACRE PARCEL KNOWN AS LOT C-1 OF THE LOS ENAMORADOS ESTATES MASTER PLANNED AREA LOCATED AT THE NORTHWEST CORNER OF MESA GRANDE AND CALLE BELLA SUBMITTED BY SOUTHWEST ENGINEERING, INC., PROPERTY OWNER (Z2847).**

The City Council is informed that:

**WHEREAS**, Southwest Engineering Inc., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for property located on the northwest corner of Mesa Grande and Calle Bella; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on December 20, 2011, recommended that said zone change request be approved by a vote of 5-0-0 (two Commissioners absent).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A" attached hereto and made part of this Ordinance, is hereby zoned C-3C (Commercial High Intensity-Conditional) for property located on the northwest corner of Mesa Grande and Calle Bella.

**(II)**

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

- The land uses permitted on the subject property shall be limited to C-2 (Commercial Medium Intensity) zoning district uses.

(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 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:

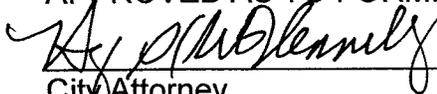
\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

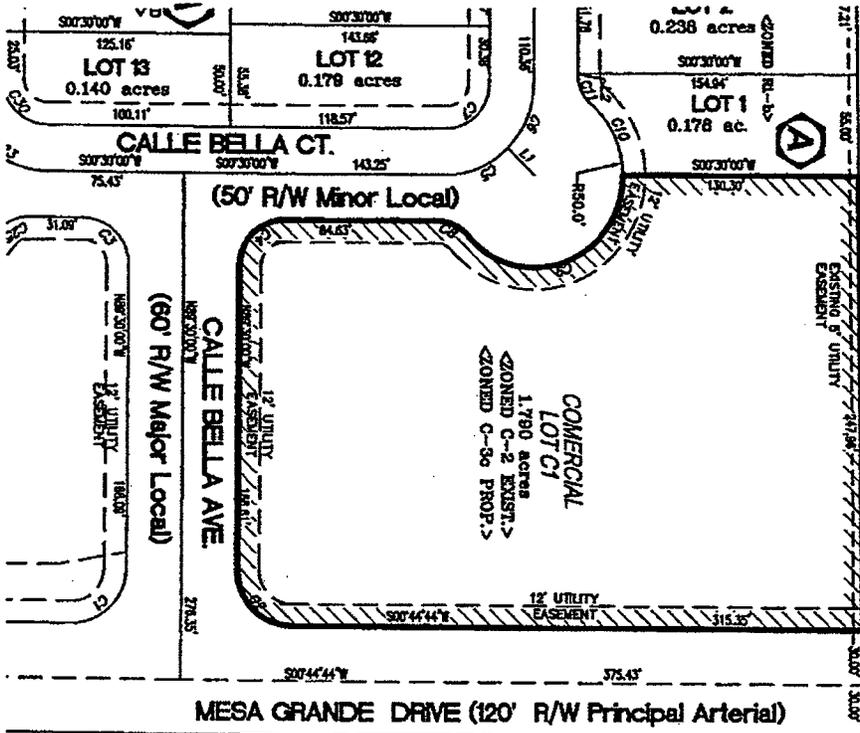
Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_



MELINDREZ, YAMARA J.  
DEED BOOK 15434  
MISC. BK. & PG. 181-85  
01/21/90

FRITZEL, SHERRY L.  
CLERK'S BOOK  
MISC. BK. & PG. 1843-44  
12/18/98

SENTEG, JOSE & RAMONA  
DEED BOOK  
CLERK'S BOOK  
MISC. BK. & PG. 1563-86  
02/17/95

FRANZOY, GREG & NOLA B.  
DEED BOOK  
MISC. BK. & PG. 528  
10/13/95

# LOT C1 LOS ENAMORADOS ESTATES

MASTER PLAN AMENDMENT NO. 1  
NOVEMBER 2011

TABULAR DATA	
LOT USE	C-2 ONLY
AREA	1.79 AC
RESIDENTIAL LOTS	0
DWELLING UNITS PER ACRE	0
OPEN SPACE	0 AC
PUBLIC OR PRIVATE FACILITIES	0 AC
RIGHT-OF-WAY	0 AC
ADDITIONAL POPULATION	0
ADDITIONAL TRAFFIC	320/DAY

ZONING  
EXISTING - C-2  
PROPOSED - C-3 CONDITIONAL  
CONDITION - C-2 USES ONLY

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD DIR.	CHORD LEN.
C2	30.00	47.00'	29.87	89°45'16"	N45°37'22"E	42.34
C4	25.00	39.27'	25.00	90°00'00"	S44°30'00"E	35.36
C8	20.00	17.45'	9.33	49°59'41"	S25°29'51"W	16.90
C9	50.00	122.17'	137.34	139°59'27"	N19°30'02"W	93.97

**SEI**  
SOUTHWEST  
ENGINEERING  
INCORPORATED

475 ANCHILERA ROAD, LAS CRUCES, NEW MEXICO 88001  
OFFICE: (505) 246-3251, EMAIL: SOUTH@SEI-ENGINEERING.COM

## LOT C1 LOS ENAMORADOS ESTATES MASTER PLAN AMENDMENT NO. 1

**29066MP1**  
DRAWING NUMBER

PROJECT # 29066  
DATE 22NOV11

1 of 1

**FINDINGS & COMPREHENSIVE PLAN ANALYSIS**

1. The subject property is located on the northwest corner of Mesa Grande and Calle Bella; a.k.a. Los Enamorados Estates Master Plan; Parcel ID# 02-34040.
2. The subject property is part of a 39.121 ± acre area known as Los Enamorados Estates that was annexed into the City of Las Cruces and master planned in 2005. The 1.79 ± acre subject property was designated as Lot C1, zoned C-2 (Commercial Medium Intensity) and was designated for commercial medium intensity land uses.
3. The proposed zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) will facilitate compliance for the subject property with the 2001 Zoning Code, as amended, with the maximum lot size requirement.
4. The subject property is located along Mesa Grande Drive, a minor arterial roadway, as classified by the Metropolitan Planning Organization (MPO).
5. The Zone Change request is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.
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.



**Planning & Zoning  
Commission  
Staff Report**

**Date: December 5, 2011**

**CASE #** Z2847 and S-11-035

**PROJECT NAME:** Los Enamorados Estates Zone Change Request & Master Plan Amendment No. 1

**APPLICANT:** Southwest Engineering Inc.

**PROPERTY OWNER:** Southwest Engineering Inc.

**REQUEST:** Zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) and a major master plan amendment for 1.79 ± acres known as Lot C-1

**PROPOSED USE:** Commercial retail store

**SIZE:** 1.79 ± acres

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

**LOCATION:** Located on the northwest corner of Mesa Grande and Calle Bella; a.k.a. Los Enamorados Estates Master Plan; Parcel ID# 02-34040

**COUNCIL DISTRICT:** 5

**PLANNING COMMISSION DATE:** December 20, 2011

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

**STAFF RECOMMENDATION:** Approval with Conditions

**PROPERTY INFORMATION**

Address/Location: Located on the northwest corner of Mesa Grande and Calle Bella; a.k.a. Los Enamorados Estates Master Plan; Parcel ID# 02-34040

Acreage: 1.79 ± acres

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Vacant/undeveloped

Proposed Zoning: C-3C (Commercial High Intensity-Conditional)

Proposed Land Use: Commercial retail store

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	N/A
Current Lot Size	1.79 + acres
Current Lot Depth/Width	245 + feet/ 315 + feet
Existing Building Height	N/A
Development Standards for Proposed Zoning of C-3C	
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 phasing implementation: N/A

**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 Residences	ER4M	ETZ Single-Family Residential
	South	Vacant/ Undeveloped	C-2	Commercial Medium Intensity
	East	Single-Family Residences	REM	Single-Family Residential Estate Mobile
	West	Single Family Residences	R-1b	Single-Family High Density

**HISTORY**

Previous applications? Yes  No

If yes, please explain: Resolution 05-206 was a Resolution approving the annexation and master plan for a 39.121 ± acre area known as Los Enamorados Estates. Ordinance 2159 was an Ordinance approving the initial zoning of the Los Enamorados Estates master planned area. Under the Ordinance and Resolution the 1.79 ± acre subject property was designated as Lot C1, zoned C-2 (Commercial Medium Intensity) and was designated for commercial medium intensity land uses.

Previous ordinance/resolution numbers? Ordinance 2159, Resolution 05-206

Previous uses if applicable: N/A

**COMPREHENSIVE PLAN**

Elements & Policies

Land Use Element

1. Goal 1, Policy 1.5.3

Analysis: The subject property is currently zoned C-2 (Commercial Medium Intensity) and is seeking a zone change to C-3C (Commercial High Intensity-Conditional). The current C-2 zoning designation of the subject property has a maximum lot size requirement of one (1) acre, but the subject property exceeds the maximum lot size requirement by encompassing 1.79 ± acres. The proposed C-3C (Commercial High Intensity-Conditional) zoning designation will bring the subject property into compliance with the 2001 Zoning Code, as amended, with the lot size requirement. The subject property is also located adjacent to Mesa Grande Drive, a minor arterial roadway, as designated by the Metropolitan Planning Organization (MPO), where commercial high intensity uses are encouraged. The condition on the proposed zone change will limit the uses on the subject property to C-2 zoning district uses to help keep the potential intensity and use of the subject property as it currently is.

**REVIEWING DEPARTMENT COMMENTS**

Fire 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: N/A

Nearest Fire Station

Distance: 1.50 ± miles

Address: 5998 Bataan Memorial East

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

Additional Comments: Recommendation of approval.

MPO

Road classifications: Mesa Grande Drive is a designated minor arterial roadway.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 0.57 ± miles south of the subject property near the corner of Mesa Grande Drive and Bataan Memorial East.

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 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"/>



Explain: Las Cruces Public Schools did not review this application. The proposed zone change and master plan amendment are for a commercial project and will not have any impact on school capacity.

## 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? Parking calculations are based on land uses; the proposed commercial retail store shall be required to provide one (1) auto parking space for every 250 to 350 square feet of gross floor area. Parking requirements will be verified during the building permit process.

How many accessible? ADA parking requirements will be verified during the 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 are based on land uses; the proposed commercial retail store shall be required to provide 1 bicycle parking stall for every 6,000 square feet of gross floor area. Bicycle parking 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? The subject property shall be required to landscape 15% of the parking area for any future development.

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 buffering along its western and northern property boundaries adjacent to the single-family residential lots. The subject property shall be required to provide either a fifteen (15) foot semi-opaque buffer or a ten (10) foot opaque buffer. Buffering requirements shall 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:

**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
October 3, 2011	Application submitted to Development Services
October 14, 2011	Case sent out for review to all reviewing departments
October 21, 2011	All comments returned by all reviewing departments
November 10, 2011	Staff reviews and recommends approval of the zone change
December 4, 2011	Newspaper advertisement
December 9, 2011	Public notice letter mailed to neighboring property owners
December 9, 2011	Sign posted on property
December 20, 2011	Planning and Zoning Commission public hearing

## SUMMARY AND CONCLUSIONS

The proposed zone change and master plan amendment are 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 property was part of the Los Enamorados Estates Annexation and Master Plan that were approved in 2005. At this time the subject property was given the initial zoning of C-2 (Commercial Medium Intensity). The 1.79 ± acre subject property was intended to be subdivided into smaller lots that would be able to meet all development standards of the C-2 zoning district. The subdivided lots would then be permitted to be developed with commercial medium intensity uses as designated by the master plan. The applicant is now proposing to develop the entire 1.79 ± acre subject property as one large piece.

The proposed zone change will allow for the development of a commercial retail store on the subject property. The existing C-2 (Commercial Medium Intensity) zoning designation has a maximum lot size requirement of one (1) acre. The subject property currently exceeds the one (1) acre maximum lot size requirement of the C-2 zoning district. The proposed C-3C (Commercial High Intensity-Conditional) zoning designation will facilitate compliance for the subject property with the 2001 Zoning Code, as amended, with the maximum lot size requirement. The proposed condition for the zone change will limit the subject property to C-2 zoning district uses. The proposed condition will allow the subject property to keep the uses originally intended for it under the Los Enamorados Estates Master Plan and prevent uses that may be too intense that are allowed in the C-3 zoning district such as a night club or bus terminal.

The proposed master plan amendment is for only one lot, Lot C1, in the Los Enamorados Estates master planned area. The proposed master plan amendment shall modify the land use for the subject property from commercial medium intensity to commercial high intensity. The proposed master plan amendment

accompanies the proposed zone change from C-2 to C-3C for the subject property. No other changes to the Los Enamorados Estates master planned area are being proposed with the proposed amendment.

### **FINDINGS**

1. The subject property is located on the northwest corner of Mesa Grande and Calle Bella; a.k.a. Los Enamorados Estates Master Plan; Parcel ID# 02-34040.
2. The subject property is part of a 39.121 ± acre area known as Los Enamorados Estates that was annexed into the City of Las Cruces and master planned in 2005. The 1.79 ± acre subject property was designated as Lot C1, zoned C-2 (Commercial Medium Intensity) and was designated for commercial medium intensity land uses.
3. The proposed zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) will facilitate compliance for the subject property with the 2001 Zoning Code, as amended, with the maximum lot size requirement.
4. The proposed master plan amendment modifying the land use for the subject property from commercial medium intensity to commercial high intensity accompanies the proposed zone change from C-2 to C-3C.
5. The Zone Change request and Master Plan Amendment are consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

### **DRC RECOMMENDATION**

On December 7, 2011, the Development Review Committee (DRC) reviewed the proposed master plan amendment. The DRC reviews master plan amendments from an infrastructure, utilities and public improvement standpoint. After some discussion the DRC recommended approval of the master plan amendment

### **STAFF RECOMMENDATION**

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

- The land uses permitted on the subject property shall be limited to C-2 (Commercial Medium Intensity) zoning district uses.

### **ATTACHMENTS**

1. Development Statement
2. Site Plan
3. Comprehensive Plan Elements and Policies
4. Draft DRC Minutes from the December 7, 2011 Meeting
5. Master Plan Amendment
6. Aerial Map
7. 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: LAS CRUCES DNMP IV, LLC  
 Contact Person: AUSTIN ROGERS  
 Contact Phone Number: 615-370-0670  
 Contact e-mail Address: AROGERS@GBTRENTY.COM  
 Web site address (if applicable): \_\_\_\_\_

### Proposal Information

Name of Proposal: DOLLAR GENERAL STORE  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)  
COMMERCIAL RETAIL 4955 MESA GRANDE DRIVE  
 Location of Subject Property \_\_\_\_\_  
 (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: 1.72  
 Detailed description of **current** use of property. Include type and number of buildings:  
VACANT  
 Detailed description of **intended** use of property. (Use separate sheet if necessary):  
THE DEVELOPMENT OF A 9,100 SF DOLLAR GENERAL STORE WITH 31 PARKING SPACES, LANDSCAPING  
 Zoning of Subject Property: C-2 (1 ACRE MAX LOT AREA)  
 Proposed Zoning (If applicable): C-3  
 Proposed number of lots 1, to be developed in 1 phase (s).  
 Proposed square footage range of homes to be built from \_\_\_\_\_ to \_\_\_\_\_

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

18'

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

MONDAY - SATURDAY 8 AM TO 10 PM, SUNDAY 9 AM TO 9 PM

Anticipated traffic generation 140 TO 280 trips per day.

Anticipated development schedule: work will commence on or about FEB, 2012

and will take 4 MONTHS to complete.

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

RETENTION & WATER QUALITY POND WILL BE CONSTRUCTED

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). WE WILL INSTALL AN OPAQUE LANDSCAPE

BUFFER ALONG THE NORTH & WEST PROPERTY LINES TO SCREEN

ADJACENT TO THE RESIDENTIAL ZONING.

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

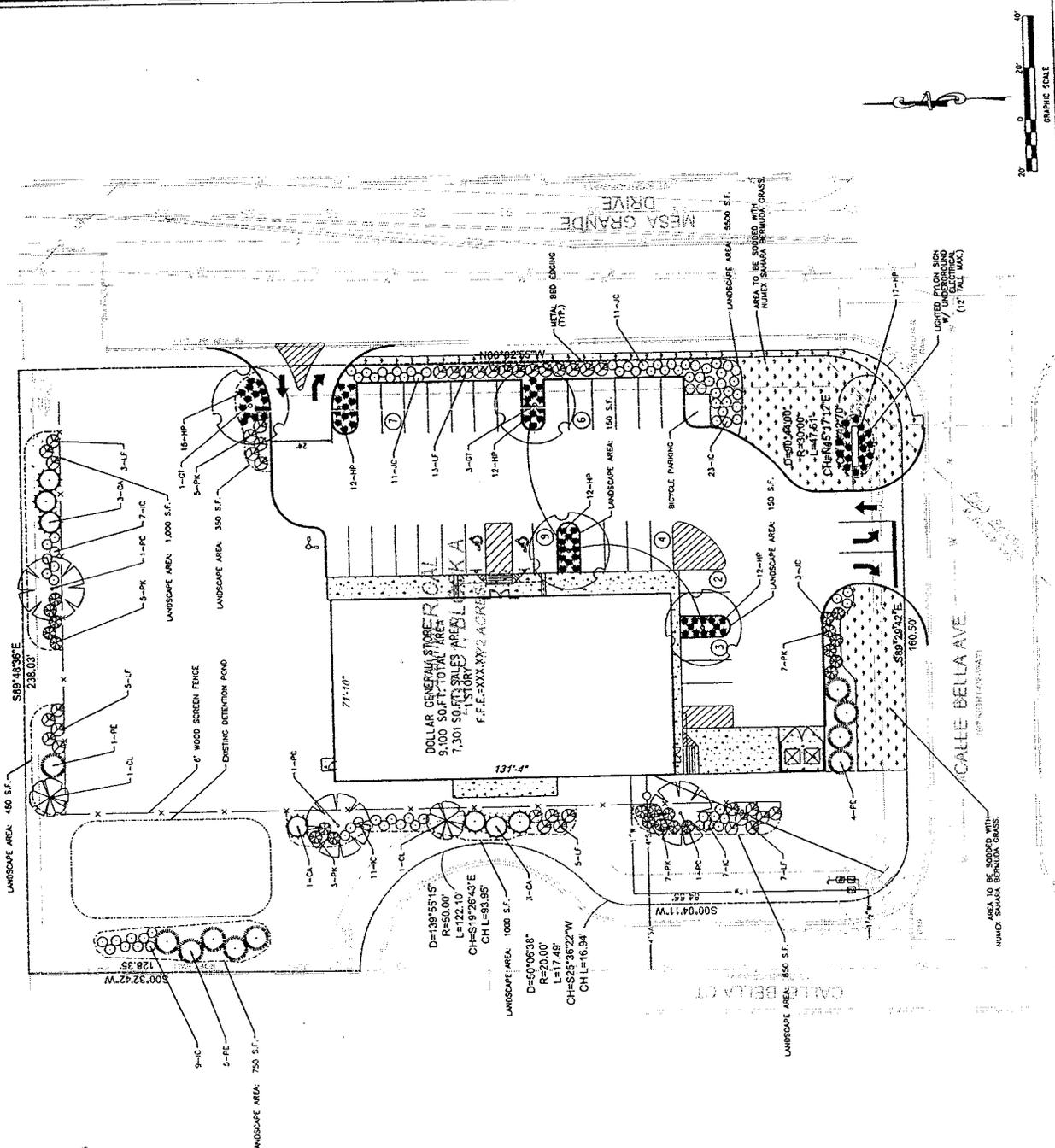
Subdivision Plat (If applicable)

Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information

NO.	DATE	DESCRIPTION



**LANDSCAPE CALCULATIONS**  
 LANDSCAPE AREA: 177 AC (75,000 S.F.)  
 LANDSCAPE AREA REQUIRED (1587): 11,250 S.F.  
 TREES REQUIRED: 1 PER 1,000 S.F. OF REDD LANDSCAPE AREA: 12  
 SHRUBS REQUIRED: 2 PER 1,000 S.F. OF REDD LANDSCAPE AREA: 225  
 PARKING LOT LANDSCAPE AREA SHOWN: 3,000 S.F.

**LANDSCAPE NOTES**  
 1. FOR ALL TURF AND PLANTING BEDS SHOWN BY THE PLAN, BE SURE TO INSTALL A 3" MINIMUM DEPTH OF BRUNNEN RIVER GRAVEL.  
 2. STABILIZED WITH 1/2" INCH LAYER OF BRUNNEN RIVER GRAVEL.

**PLANT KEY**  
 CA-ARIZONA CYPRUS  
 CE-CELANO  
 CH-CHRISTMAS BERRY  
 PE-PEACH  
 SP-SPIRIT  
 HP-RED YUCCA  
 C-CYPRUS BERRY  
 U-ULMUS  
 PC-PORTULACA

**SITE DATA TABLE**  
 1. PROPERTY ZONING: L-2  
 2. SET BACKS: FRONT: 5'  
 SIDE: 5' (MIN. 5')  
 REAR: 10'

3. SITE AREA: 177.25 AC ± 177 ACRES  
 4. BUILDING AREA: DOLLAR GENERAL STORE: 7,301 S.F. (TOTAL) 7,301 S.F. (TOTAL)  
 MAX. HEIGHT: 10'

5. PARKING REQUIRED PER ZONING: 1/300 S.F. GROSS = 30 SPACES  
 PARKING PROVIDED BY RETAILER: 30 SPACES  
 PARKING PROVIDED: 31 SPACES

6. IMPROVED AREA: 0.10 ACRES ± 472  
 LANDSCAPE AREA: 0.19 ACRES ± 512

**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.



## City of Las Cruces

### DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, December 7, 2011 at 9:00 a.m. at City Hall, 700 North Main Street, Room 2150, Las Cruces, New Mexico.

**DRC PRESENT:** Vincent Banegas, Community Development

Tom Murphy, MPO

Meei Montoya, Utilities

Mark Johnston, Facilities

Mark Dubbin, Fire Department

Loretta Reyes, Public Works, Engineering Services

**STAFF PRESENT:** Adam Ochoa, Community Development

Michael Hernandez, Land Management

Rocio Dominguez, Public Works

Barbara DeLeon, CLC, Administration

Bonnie Ennis, Recording Secretary

**OTHERS PRESENT:** Carlos Estrada-Vega, Property Owner

Michael Gonzales, Southwest Engineering

#### I. CALL TO ORDER (9:03 am)

Banegas: Let's call this meeting to order for Wednesday, December 7, 2011.

#### II. APPROVAL OF MINUTES – October 19, 2011

Banegas: It's approximately 9:03 a, and we've got three items on the agenda: two cases and one set of minutes to approve, which are the October 26<sup>th</sup> set of minutes. We'll start there. Are there any changes, additions, deletions, etc. to those minutes that are necessary? If not, can I have a motion to approve the October 26<sup>th</sup> set of minutes, please?

Murphy: Move approval. Tom Murphy, MPO

Montoya and Dubbin: Second.

Banegas: All those in favor signify by saying aye.

1  
2 All: Aye.

3  
4 Banegas: Opposed? Motion passes.

5  
6 **III. OLD BUSINESS – NONE**

7  
8  
9 **IV. NEW BUSINESS**

10  
11 **1. IDP-46 Infill Development Proposal – Estrada Tracts Subdivision**

- 12 • A request for approval of a final plat known as Estrada Tracts to create  
13 three (3) residential lots on 0.521 ± acres.  
14 • Subject property is zoned R-2 (Multi-Dwelling Low Density) and is located in  
15 the North Mesquite Neighborhood Overlay Zone District at the northeast  
16 corner of Campo Street and Fir Avenue.  
17 • Submitted by Carlos Estrada-Vega, property owner.

18  
19 Banegas: Under New Business we have the two cases: IDP-46, Infill Development  
20 Proposal – Estrada Tracts Subdivision is first up. What I'll do is defer to  
21 staff, Adam Ochoa, to give us an overview of the case and then turn it  
22 over to the applicant representative to fill in any information that may be  
23 necessary. Adam?

24  
25 Ochoa: Thank you. Adam Ochoa, Development Services. The first case, IDP-46,  
26 is an Infill Development Proposal, essentially for a subdivision and final  
27 plat of one existing 0.521 acre lot into three individual residential lots. The  
28 subject property is located on the northeast corner of Campo Street and  
29 Fir Avenue and is located in the North Mesquite Overlay. The subject  
30 property is currently vacant and the subdivision will provide for  
31 development of one single-family home on each lot. All R-2 Development  
32 Standards, which is what it's zoned, Multi-Dwelling, Low Density  
33 requirements will have to be followed as well as all North Mesquite  
34 Development Standards. It went up for review on November 18<sup>th</sup>. The  
35 first review actually went out sometime in October with a couple of "NOs."  
36 The second review went out on the 18<sup>th</sup> of November and everything  
37 came back relatively clean with a couple of conditional "YESs," including  
38 Development Services staff; which the applicant has taken care of, the  
39 additional that we needed for the easement. There is a condition on there  
40 from Surveying which, I believe, has been taken care of. That is  
41 essentially it.

42  
43 Banegas: (To applicant) Do you have anything to add?  
44

- 1 Estrada: My name is Carlos Estrada. I'm the owner of Estrada Tracts. The only  
2 thing is that I made the lots sufficiently large for two units on them. The  
3 units that I am planning to make are not rentals. They are just for family.  
4 They are studio houses for painters, like me, so the residence will be a  
5 small unit right next to it in case people have families or I have family. It's  
6 two friends of mine and I who are going to live in these. It's kind of like an  
7 art colony, it's very small. I just wanted you to know that. I did draw the  
8 large house with the small unit next to it.  
9
- 10 Banegas: Meei, do you have any issues, comments?  
11
- 12 Montoya: No comments.  
13
- 14 Banegas: No comments? Tom?  
15
- 16 Murphy: No issues.  
17
- 18 Banegas: Michael? No problems?  
19
- 20 Hernandez: Land Management has no issues.  
21
- 22 Banegas: Loretta or Rocio, whoever?  
23
- 24 Reyes: Engineering Services has no issues. That one's good to go for Public  
25 Works.  
26
- 27 Banegas: Mark?  
28
- 29 Johnston: Mark Johnston, Parks and Recreation. No issues.  
30
- 31 Banegas: And Mark.  
32
- 33 Dubbin: Mark Dubbin, Fire Department. We have no issues.  
34
- 35 Banegas: Okay. Community Development has indicated, apparently, has no issues  
36 so can I have a motion to approve IDP-46, Estrada Tract Subdivision,  
37 please.  
38
- 39 Reyes: So moved. Loretta Reyes.  
40
- 41 Murphy: Second. Tom Murphy.  
42
- 43 Banegas: All those in signify by saying aye.  
44
- 45 All: Aye.  
46

- 1 Banegas: Opposed? The motion passes.  
 2  
 3 Banegas: And Mark.  
 4  
 5 Dubbin: Mark Dubbin, Fire Department. We have no issues.  
 6  
 7 Banegas: Okay. Community Development has indicated, apparently, has no issues  
 8 so can I have a motion to approve IDP-46, Estrada Tract Subdivision,  
 9 please.  
 10  
 11 Reyes: So moved. Loretta Reyes.  
 12  
 13 Murphy: Second. Tom Murphy.  
 14  
 15 Banegas: All those in signify by saying aye.  
 16  
 17 All: Aye.  
 18  
 19 Banegas: Opposed? The motion passes.  
 20

21 **2. Z2847 and S-11-035 – Zone Change from C-2 to C-3C and Los**  
 22 **Enamorados Master Plan Amendment No. 1**

- 23 • A request for a zone change from C-2 (Commercial Medium Intensity) to C-  
 24 3C (Commercial High Intensity-Conditional).
  - 25 ○ Condition permitting only C-2 (Commercial Medium Intensity) uses  
 26 on the subject property.
  - 27 ○
- 28 • In addition and in conjunction with the zone change request, a request for  
 29 approval of a master plan amendment proposing to modify the land use  
 30 from commercial medium intensity to commercial high intensity.
- 31 • The subject property known as Lot "C1" encompasses 1.79 ± acres and is  
 32 located on the northwest corner of Mesa Grande and Calle Bella.
- 33 • Submitted by Southwest Engineering Inc., property owner.

- 34  
 35 Banegas: Case number 2 is Z2847 and S-11-035, zone change from C-2 to C-3C  
 36 and Los Enamorados Master Plan Amendment No. 1. I'm sure Adam will  
 37 fill us in but, technically speaking, from the DRC perspective we're more  
 38 concerned about the Master Plan Amendment more so than the zone  
 39 change; however, for information's sake he's brought both of them here  
 40 today. Adam?  
 41  
 42 Ochoa: The next case, which we're more interested in, is case S-11-035. it is a  
 43 Master Plan Amendment of the Los Enamorados Estates Master Plan and  
 44 located north of the Dos Sueños Estates where Calle Bella runs through is  
 45 considered where Los Enamorados Estates.

1           The one thing that is changing with this approximately 39-tract is  
 2 that Lot C-1, which is the first lot on the northwest corner of Calle Bella  
 3 and Mesa Grande Drive, is a commercial lot, which is currently zoned C-2  
 4 and designated for Medium-Intensity uses. The subject property  
 5 encompasses approximately 1.79 acres so it exceeds the maximum lot  
 6 size requirement for C-2 zoning, which is what the zone change for in  
 7 order to bring the property into compliance with the 2001 Zoning Code by  
 8 giving the zone change to C-3. With that, the Los Enamorados Estates  
 9 Master Plan has to be changed; designating that lot for Commercial High-  
 10 Intensity uses. But the condition for the zone change for that lot is  
 11 essentially limiting the uses on that lot to C-2 uses. So basically what  
 12 we're doing is just cleaning it up from a zoning standpoint; but from a land  
 13 use standpoint it's going to stay exactly the same.

14           It's probably not going to be subdivided so no improvements are  
 15 required along Mesa Grande; although I believe all access points to the  
 16 proposed commercial lot will be running right out where the two access  
 17 points, one off of Calle Bella and one off of Mesa Grande. I think that's  
 18 about it. Everybody might have already seen, as well, the construction  
 19 drawings that are already coming in for this lot so it is well on its way and  
 20 this Master Plan Amendment and zone change is required to a final  
 21 Certificate of Occupancy for the construction drawings that are out there.  
 22 That's essentially it for this one.

23 Banegas: Adam, were there any comments raised during the review?

24  
 25 Ochoa: The comments that were raised during the review were the proposed  
 26 access points off Mesa Grande. Traffic Engineering has been...actually  
 27 Development Services did sit down with Traffic Engineering. They saw no  
 28 issues with allowing two access points through the lot and Traffic  
 29 Engineering did approve the zone change and Master Plan Amendment  
 30 for the proposal. There was also concern, I believe, from Engineering  
 31 Services on whether there are any changes to the original drainage report  
 32 for this area and I believe the applicant will speak on this; but, I believe, no  
 33 changes are in store for this. I believe on-lot ponding is what's being done  
 34 or, what's proposed with Los Enamorados Estates and that is what will be  
 35 done with this, as well.

36  
 37 Banegas: Mike? Do you want to add anything to that?

38  
 39 Gonzales: Mike Gonzales with Southwest Engineering. No, Adam went over it pretty  
 40 well. We're not proposing any revisions to land use. We're just following  
 41 up and doing clean up so that the property comes into compliance.

42  
 43 Banegas: Regarding the drainage plan issue: no change to that at this time?

44  
 45 Gonzales: No, the plan is to conform to the existing Master Plan.

46

- 1 Banegas: Okay. Then we'll just go around. Meei, any Utility issues?  
2  
3 Montoya: No issues.  
4  
5 Banegas: No? Tom?  
6  
7 Murphy: No issues.  
8  
9 Banegas: Michael?  
10  
11 Hernandez: No issues.  
12  
13 Banegas: Loretta or Rocio:  
14  
15 Reyes: Loretta Reyes, Engineering Services. We still have a "NO" on the zoning.  
16 I think we've only seen it once. We may have it again; I'm not sure...but  
17 as long as you're still using on-lot ponding we can be okay with that and  
18 then I think, as Adam stated... 'cause there was a note saying that: "...no  
19 direct access off of Mesa Grande," but I guess you would resolve that with  
20 right-in/right-out and all that so we're good with that. So I think we should  
21 be clear on that.  
22 As far as the case S-11-035, we have a conditional approval on  
23 that one with the condition that the drainage concept not change and that  
24 you'll still use on-site retention. Is that correct?  
25  
26 Gonzales: Yeah. We don't plan on changing ponding.  
27  
28 Reyes: Okay. All right. Other than that, I think we are okay on both of these.  
29  
30 Banegas: Okay, and then when you mentioned, Loretta, the zoning aspect you were  
31 concerned about the land use increasing or...?  
32  
33 Reyes: I think just the concern was still on the drainage concept.  
34  
35 Banegas: Okay.  
36  
37 Reyes: ...to make sure that they are using on-lot ponding to retain it. They are  
38 not going to be putting that water into the city's drainage system.  
39  
40 Banegas: Okay. Mark?  
41  
42 Johnston: No issues

1 Banegas: And Mark?  
2

3 Dubbin: No issues.  
4

5 Banegas: And just, again, to reiterate just a little bit what Adam said: the zoning is  
6 more of a clean up issue to bring about compliance with the 2001 Zoning  
7 Code. This probably got caught in between the 1981 Zoning Code and  
8 the 2001 Zoning Code when lot sizes changed so cleaning it up in this  
9 way requires alterations in the master plan and the property land use.  
10 Hence, that's why it's here. Given that, everything seems clean. Can I  
11 have a motion to approve Z2837 and S-11-035, please?  
12

13 Reyes: So moved. Loretta Reyes.  
14

15 Banegas: Is there a second?  
16

17 Montoya: Second. Meei Montoya  
18

19 Banegas: All those in favor say aye.  
20

21 All: Aye.  
22

23 Banegas: Opposed? The motion passes.  
24

25 **III. ADJOURNMENT (9:20 am)**  
26

27 Banegas: Without any further business on the agenda, can I have a motion to  
28 adjourn?  
29

30 Dubbin: So moved.  
31

32 Johnston: Second.  
33

34 Banegas: All those in favor?  
35

36 All: Aye.  
37

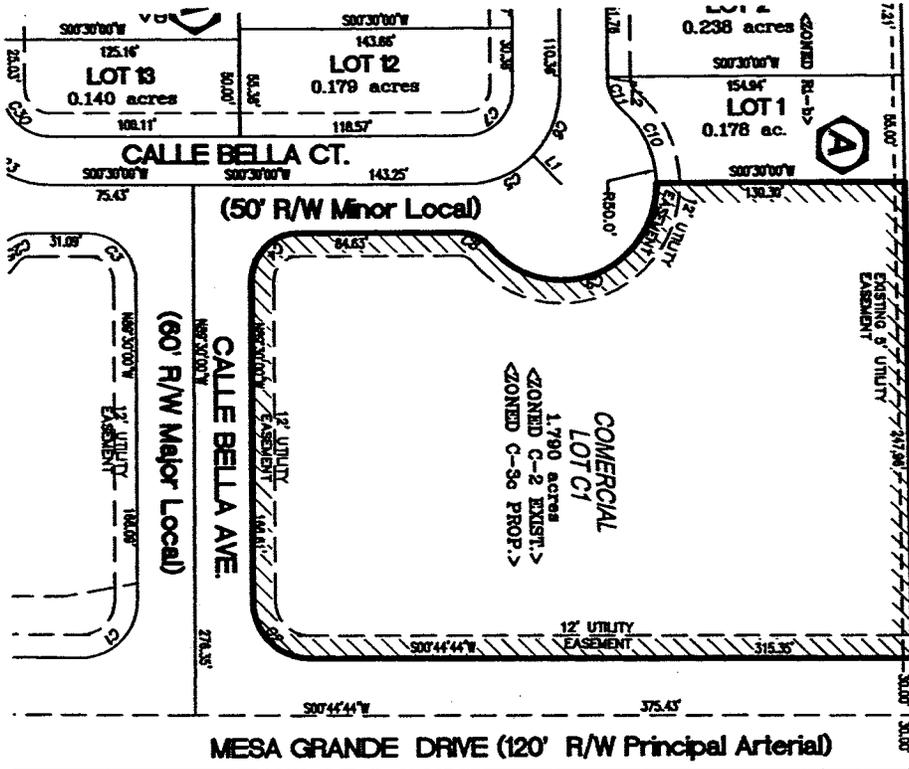
38 Banegas: We are adjourned.  
39  
40  
41

---

42 Chairperson  
43

MELINDOÑEZ, TAMARA, L  
DEED BOOK  
MISCL.BK.286, PG.191-95  
09/21/90

PRITCHETT, SHERRY L  
DEED BOOK  
GENEAL.BK.1643-44  
12/19/98



SENTENO, JOSE &  
RAMONA  
CLERKS BOOK  
MSC.BK.8.PG.1563-66  
02/17/95

FRANZOY, GREG & NOLA B.  
DEED BOOK  
WD.BK.374PG.528  
10/13/85

# LOT C1 LOS ENAMORADOS ESTATES

MASTER PLAN AMENDMENT NO.1  
NOVEMBER 2011

TABULAR DATA	
LOT USE	C-2 ONLY
AREA	1.79 AC
RESIDENTIAL LOTS	0
DWELLING UNITS PER ACRE	0
OPEN SPACE	0 AC
PUBLIC OR PRIVATE FACILITIES	0 AC
RIGHT-OF-WAY	0 AC
ADDITIONAL POPULATION	0
ADDITIONAL TRAFFIC	320/DAY

ZONING  
EXISTING - C-2  
PROPOSED - C-3 CONDITIONAL  
CONDITION - C-2 USES ONLY

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD DIR.	CHORD LEN.
C2	30.00	47.00'	29.87	89°45'16"	N45°37'22"E	42.34
C4	25.00	39.27'	25.00	90°00'00"	S44°30'00"E	35.36
C8	20.00	17.45'	9.33	49°59'41"	S25°29'51"W	16.90
C9	50.00	122.17'	137.34	139°59'27"	N19°30'02"W	93.97



475 ARQUILETA ROAD, LAS CRUCES, NEW MEXICO 88008  
OFFICE - (505) 548-3341, FAX - (505) 548-3341, WWW.SOUTHWESTENGINEERING.COM

## LOT C1 LOS ENAMORADOS ESTATES MASTER PLAN AMENDMENT NO. 1

**29066MP1**  
DRAWING NUMBER

PROJECT # 29066  
DATE 22NOV11

ATTACHMENT #6

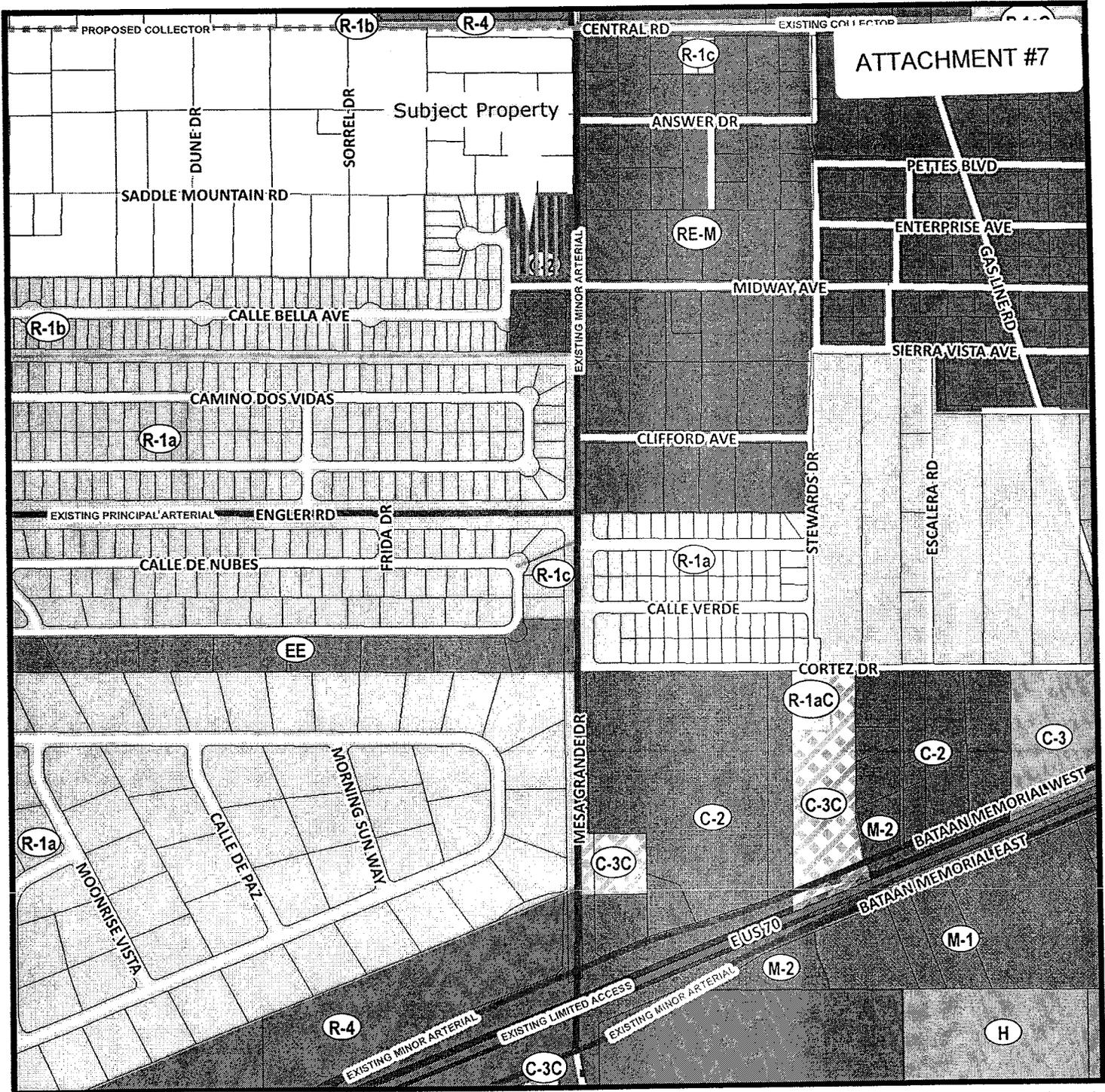


*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

**Legend**

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

  
 150 75 0 150 300  
 Feet  
 Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 528-3222



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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	--- Proposed Unpaved EBID
▬▬▬ EXISTING MINOR ARTERIAL	▬▬▬ PROPOSED MINOR ARTERIAL	▬▬▬ City Parcel	▬▬▬ Interstates_Highway
▬▬▬ EXISTING COLLECTOR	▬▬▬ PROPOSED COLLECTOR	▬▬▬ EBID Water System	▬▬▬ Railroad
▬▬▬ PROPOSED LIMITED ACCESS	▬▬▬ PROPOSED CORRIDOR	▬▬▬ Rio Grande	▬▬▬ Arroyo

  
 15075 0 150 300 450 600 750  
 Feet  
**Community Development Department**  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 528-3222

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
December 20, 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

**BOARD MEMBERS ABSENT:**

Donald Bustos, Member  
Shawn Evans, Member

**STAFF PRESENT:**

Robert Kyle, Building and Development Administrator  
Adam Ochoa, Acting Senior Planner  
Lorenzo Vigil, Acting Assistant Planner  
Mark Dubbin, CLC Fire Department  
Rusty Babington, CLC Legal Staff  
James VonSchriltz, CLC Fire Department  
Diana Garcia-Parra, Recording Secretary

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

Scholz: Good evening and welcome to the Planning and Zoning Commission for December 20, 2011. I'm Charlie Scholz, the Chair of Commission.

**II. CONFLICT OF INTEREST**

The first thing we have to ask is what we call our Conflict of Interest Statement. So at the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda. Staff, any conflict? No, I see everyone shaking their heads. Gentlemen, any conflict? Okay.

Before we to the approval of the minutes, which is usually our first order of business I want to introduce the members of the Commission who are here tonight. On my far right is Commissioner Shipley. He is the Mayor's appointee. Next to him is Commissioner Crane. He's our Vice-Chair. He represents District 4. Next to him is Commissioner Stowe who represents District 1. On my immediate right is our Secretary and Commissioner Beard, who represents District 2 and I represent Council District 6.

**III. APPROVAL OF MINUTES**

1 was resolved but it was about a six-month process and we had to deal  
 2 with it every night. So, again, I am familiar with some of the concerns  
 3 or some of the stipulations within the South Mesquite Overlay but,  
 4 again, I'm not trying to put the brakes on him. There were some  
 5 concerns that I had that I wanted to put on the records and make sure  
 6 that my voice was heard on that.  
 7

8 Scholz: Good. Well, thank you for speaking up. I appreciate it. Thanks.  
 9 Anyone else from the public wish to speak to this? Okay, I'll close it for  
 10 public discussion. Gentlemen, what is your pleasure?  
 11

12 Crane: I move that application Z2845 be approved.  
 13

14 Scholz: All right. That was Commissioner Crane.  
 15

16 Beard: Second.  
 17

18 Scholz: And Commissioner Beard seconds. All right, I'll call the roll.  
 19 Commissioner Shipley.  
 20

21 Shipley: Aye, findings, discussion and site visit.  
 22

23 Scholz: Commissioner Crane.  
 24

25 Crane: Aye, findings, discussion and site visit.  
 26

27 Scholz: Commissioner Stowe.  
 28

29 Stowe: Aye, findings, discussion and site visit.  
 30

31 Scholz: Commissioner Beard.  
 32

33 Beard: Aye, site visit, conditions and discussion.  
 34

35 Scholz: Okay, and the Chair votes aye for findings, discussion and site visit.  
 36 So it passes 5-0.  
 37

38 2. **Case Z2847:** Application of Las Cruces DNMP IV, LLC on behalf of  
 39 Southwest Engineering Inc. to rezone from C-2 (Commercial Medium  
 40 Intensity) to C-3C (Commercial High Intensity-Conditional) on a 1.79 ±  
 41 acre lot located on the northwest corner of Mesa Grande and Calle Bella;  
 42 Parcel ID# 02-34040. Proposed Use: A commercial retail store; Council  
 43 District 5. **APPROVED 5-0**  
 44

45 3. **Case S-11-035:** Application of Southwest Engineering Inc. for a major  
 46 amendment to the Los Enamorados Estates Master Planned Area. The  
 47 amendment proposes to modify the land use from commercial medium

1 intensity to commercial high intensity. The major amendment is  
 2 accompanied by a proposed zone change (Case Z2847) to a 1.79 ± acre  
 3 commercial lot known as "Lot C1" from C-2 (Commercial Medium  
 4 Intensity) to C-3C (Commercial High Intensity-Conditional). The subject  
 5 property is located on the northwest corner of Mesa Grande and Calle  
 6 Bella; Parcel ID# 02-34040. Proposed Use: A commercial retail store;  
 7 Council District 5. **APPROVED 5-0**

8  
 9 Scholz: Our next one is a two-parter: it's case Z2847 and I image we should  
 10 consider these things at the same time, right?

11  
 12 Ochoa: Yes, sir. I'd like to ask you to suspend the rules, please.

13  
 14 Scholz: Okay. We'll have to suspend the rules.

15  
 16 Shipley: I move to suspend the rules on case Z2847 and S-11-035.

17  
 18 Scholz: Thank you, Commissioner Shipley. Is there a second for that?

19  
 20 Crane: Second it.

21  
 22 Scholz: Okay, Commissioner Crane seconds. All those in favor of suspending  
 23 the rules say aye.

24  
 25 All: Aye.

26  
 27 Scholz: Those opposed same sign. All right, the rules are suspended so we  
 28 can discuss these two things at the same time.

29  
 30 Ochoa: Thank you, gentlemen. The last two cases tonight are case Z2847 and  
 31 case S-11-035. They are a zone change request from C-2,  
 32 Commercial Medium Intensity, to C-3C, Commercial High Intensity-  
 33 Conditional, and a master plan amendment for 1.79 acres known as  
 34 Lot C of the Los Enamorados Estates Master Plan. I'm going to kind of  
 35 zoom down on the vicinity map a bit more since it is the East Mesa to  
 36 give you a little bit more, I guess, better detail of a farther away detail  
 37 of where this property's at from Bataan Memorial heading north on  
 38 Mesa Grande Drive the subject property is located right there on the  
 39 northwest corner of Calle Bella and Mesa Grande Drive. The subject  
 40 property is located on the northwest corner of Mesa Grande and Calle  
 41 Bella.

42 The subject property is currently zoned C-2, Commercial  
 43 Medium Intensity. The subject property currently encompasses 1.79  
 44 acres and is currently undeveloped. It is also known as Lot C1 of the  
 45 Los Enamorados Estates Master Plan. The existing C-2 zoning  
 46 designation on the subject property has a maximum size lot

1 requirement of one acre. That is essentially what the zone change is  
2 for. The subject property currently exceeds the one-acre maximum lot  
3 size requirement of the C-2 Zoning District. The proposed C-3C,  
4 Commercial High Intensity-Conditional zoning designation will facilitate  
5 compliance for the subject property with the 2001 Zoning Code when it  
6 comes to maximum lot size requirement. The actual condition placed  
7 on the C-3C zoning designation is that the uses on the property be  
8 limited to C-2 Zoning District uses; that condition being placed on there  
9 to try to keep essentially what's allowed and existing on the property  
10 exactly the same as it is even though the zoning designation is  
11 changing, the land uses will not change on the property.

12 With that zone change we also need to do an amendment to the  
13 Los Enamorados Estates Master Plan. The subject property is part of  
14 a 39.121-acre Master Plan known as Los Enamorados Estates, which  
15 is a, as for some history, was annexed into the city and master planned  
16 back in 2005. The proposed master plan amendment is only for that  
17 1.179-acre lot, known as Lot C1 of the Los Enamorados Estates  
18 Master Planned area. The proposed amendment shall modify the  
19 allowed uses for that subject property from Commercial Medium  
20 Intensity to Commercial High Intensity uses just to essentially  
21 accompany the zone change. That's what it's for so the proposed  
22 master plan amendment will accompany the proposed zone change  
23 from C-2 to C-3C for the subject property. No other changes are being  
24 proposed currently for the Los Enamorados Estates Master Plan.

25 Here is an aerial of the subject property. Just to give you a little  
26 bit of reference, this is actually the beginning point of Los Enamorados  
27 Estates with two commercially zoned properties that goes into a bunch  
28 of single-family, high-density lots on Calle Bella here and, again, to the  
29 north of this property is actually ETZ, the county.

30 Here's a site plan of the proposed plot lot again. It's commercial  
31 lot C1. It's getting a zone change from C-2 to C-3C, essentially  
32 keeping those C-2 uses by putting a condition on the C-3 Zoning  
33 District limiting uses on the subject property to C-2 uses.

34 Here's a proposed improvement plan that the applicant has for  
35 that property. The property, essentially, is going to be developed as  
36 one large lot. That is what the zone change and the master plan  
37 amendment are for. If the property were to be subdivided, which is  
38 basically from research of final plat and so forth for this area, staff  
39 found out that the intent for the property was to be subdivided to follow  
40 to follow those C-2 Zoning District requirements for lot size; but since  
41 this property will be developed as one large lot for one use the zone  
42 change and master plan amendment are required.

43 This proposed master plan amendment was taken to the  
44 Development Review Committee, or DRC, on December 7, 2011 and,  
45 after some short discussion the DRC recommended approval for the  
46 master plan amendment. Staff also reviewed the proposed zone

- 1 change and recommended approval based on the preceding findings  
2 with the following condition. The condition is: that the land uses  
3 permitted on the subject property shall be limited to C-2 Commercial  
4 Medium Intensity Zoning District uses. The Planning and Zoning  
5 Commission is a recommending Body to City Council for zone change  
6 cases and, essentially, this master plan amendment will be  
7 accompanying the zone change to City Council.  
8
- 9 Scholz: All right. Questions for Mr. Ochoa while his voice still is there. No  
10 questions. May we hear from the applicant, please?  
11
- 12 Pompeo: Good evening, Mr. Chairman and Commissioners. My name is Paul  
13 Pompeo with Southwest Engineering. I do have a presentation but it  
14 pretty much mirrors what staff has so, for the sake of time, I'll skip that  
15 and stand for any questions that you might have.  
16
- 17 Scholz: All right. Any questions for Mr. Pompeo? No? Do you have a client?  
18 I'm curious.  
19
- 20 Pompeo: Well, actually, Southwest Engineering is the owner of the property.  
21
- 22 Scholz: Oh! Okay.  
23
- 24 Pompeo: And so their applicant came in with the...well, you saw the site plan for  
25 the development of, I believe, a Dollar General Store so we're in the  
26 process of trying to convey this property to them and, in the course of  
27 that business transaction, that's when the issue of the lot size and the  
28 zoning came up. So to try to expedite their issue with the zoning and  
29 since I own it I'm stepping in to that tonight.  
30
- 31 Scholz: All right. I missed that. Commissioner Beard just pointed out that it  
32 was in our packet as well. Okay, no questions for this gentleman  
33 then? Thank you very much, Mr. Pompeo.  
34
- 35 Pompeo: Thank you.  
36
- 37 Scholz: Okay, anyone from the public wish to speak to this? I don't see  
38 anyone from the public here. Are your children interested in saying  
39 something, Mr. Vigil? Obviously not. Okay, I'll entertain a motion to  
40 approve. Mr. Kyle, you have a question or comment?  
41
- 42 Kyle: Yes, Mr. Chairman, just a point of clarification. We need to put the  
43 wheels back in motion...  
44
- 45 Scholz: Rise from the...  
46

1 Kyle: ...make a motion separately on each case.  
2  
3 Scholz: Absolutely. Yes.  
4  
5 Shipley: I move to reinstate the rules.  
6  
7 Scholz: Thank you, Commissioner Shipley. Is there a second to that?  
8  
9 Stowe: Second.  
10  
11 Scholz: Commissioner Stowe seconds. All those in favor of reinstating the  
12 rules say aye.  
13  
14 All: Aye.  
15  
16 Scholz: And those opposed same sign. All right, the rules are back in place  
17 now what we do is vote initially on the zone change. I'll entertain a  
18 motion to approve case Z2847.  
19  
20 Crane: So moved.  
21  
22 Scholz: Is there a second?  
23  
24 Beard: Second.  
25  
26 Scholz: Yes, that was Crane moved and Beard seconded. Yes, Commissioner  
27 Crane, would you read the conditions, please? And turn your mike  
28 back on, Mr. Crane.  
29  
30 Crane: With the condition that the land uses permitted on the subject property  
31 shall be limited to C-2 Commercial Medium Intensity Zoning District  
32 uses.  
33  
34 Scholz: Thank you. All right, I'll call the roll. Commissioner Shipley.  
35  
36 Shipley: Aye, findings, discussion and site visit.  
37  
38 Scholz: Commissioner Crane.  
39  
40 Crane: Aye, findings, discussion and site visit.  
41  
42 Scholz: Commissioner Stowe.  
43  
44 Stowe: Aye, findings, discussion and site visit.  
45  
46 Scholz: Commissioner Beard.

- 1  
2 Beard: Aye, findings, discussion, site visit.  
3  
4 Scholz: And the Chair votes aye for findings, discussion and site visit. All right,  
5 I'll entertain a motion for case S-11-035, which is the major  
6 amendment to the master plan.  
7  
8 Shipley: So moved.  
9  
10 Scholz: Okay. Shipley moves. Is there a second?  
11  
12 Beard: Second.  
13  
14 Scholz: Beard seconds. All right, I'll call the roll. Commissioner Shipley.  
15  
16 Shipley: Aye, findings, discussion and site visit.  
17  
18 Scholz: Commissioner Crane.  
19  
20 Crane: Aye, findings, discussion and site visit.  
21  
22 Scholz: Commissioner Stowe.  
23  
24 Stowe: Aye, findings, discussion and site visit.  
25  
26 Scholz: Commissioner Beard.  
27  
28 Beard: Do we need to include the conditions on this one also?  
29  
30 Scholz: No.  
31  
32 Beard: No.  
33  
34 Scholz: Because this is an amendment to the master plan.  
35  
36 Beard: Okay. Aye, discussions, site visit.  
37  
38 Scholz: And the Chair votes aye for findings, discussion and site visit. So they  
39 both passed 5-0.  
40

#### 41 VIII. OTHER BUSINESS

- 42  
43 Scholz: Any other business before us today? Gentlemen, anything?  
44  
45 Ochoa: No, sir.  
46

#### 47 IX. PUBLIC PARTICIPATION

1  
2 Scholz: Anything from Public Participation? You said your girls don't want to  
3 speak... so one of them's asleep.  
4

5 **X. STAFF ANNOUNCEMENTS**  
6

7 Scholz: Were there any Staff Announcements? I understand Ms. Revels came  
8 and said goodbye to us today because she's retiring. Well, that's  
9 astonishing. She looks so young.

10  
11 Ochoa: That is correct, sir. Next week will be her last week with the City, sir.  
12

13 Scholz: Wonderful. Okay.  
14

15 Kyle: Mr. Chairman, if I may?  
16

17 Scholz: Yes.  
18

19 Kyle: Robert Kyle, Community Development. I just wanted to advise and  
20 remind the Commission that your January meeting will be your annual  
21 business meeting. We'll do our Notice of Reasonable Notice and we'll  
22 elect officers.  
23

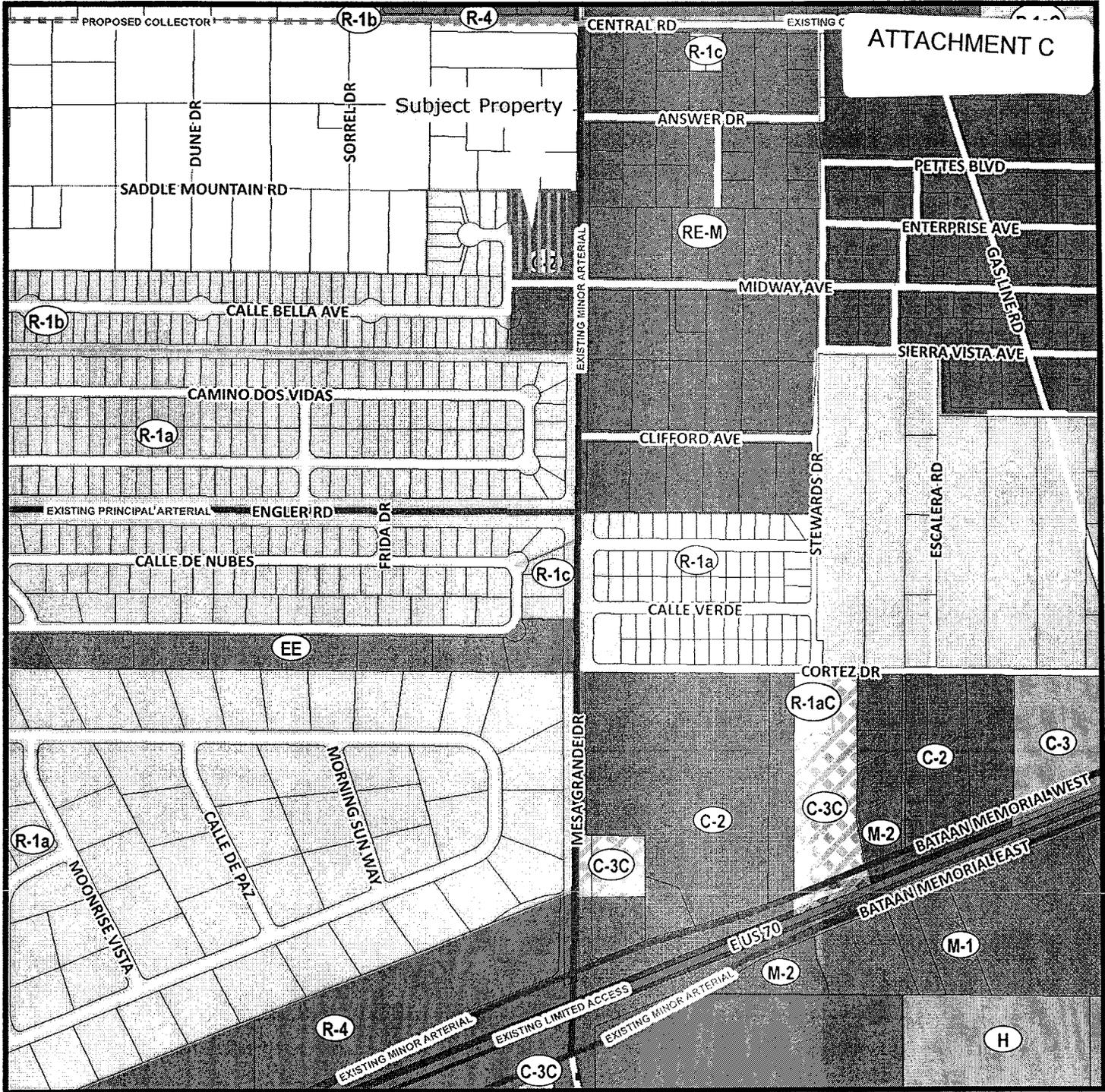
24 Scholz: Yes, I warned the gentlemen about that earlier today so I think they're  
25 prepared.  
26

27 **XI. ADJOURNMENT (6:55 pm)**  
28

29 Scholz: Well, if that's all we have I'd like to wish everyone a Merry Christmas, a  
30 Happy New Year, a Happy Hanukah, enjoy Kwanzaa and however  
31 else you celebrate the holidays and we are adjourned at five minutes  
32 to seven.  
33  
34  
35  
36

37 \_\_\_\_\_  
Chairman

\_\_\_\_\_ Date



*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	

  
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