

City of Las Cruces®

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Council Action and Executive Summary

Item # 16Ordinance/Resolution# 2646

For Meeting of February 6, 2012
(Ordinance First Reading Date)

For Meeting of February 21, 2012
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) ON 6.04 ± ACRES OF LAND LOCATED ON THE SOUTH SIDE OF STERN DRIVE, 0.35 ± MILES EAST OF ITS INTERSECTION WITH AVENIDA DE MESILLA; PARCEL ID# 02-30595. SUBMITTED BY TED G. SCANLON ON BEHALF OF HACIENDA RV, LLC, PROPERTY OWNER (Z2842).

PURPOSE(S) OF ACTION:

To remove zoning conditions to allow certain commercial land uses on the property.

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 property is a 6.04 ± acre tract located on the south side of Stern Drive, 0.35 ± miles east of its intersection with Avenida de Mesilla, 130 ± feet south of Interstate 10. It is currently undeveloped and is part of a master plan known as Hacienda de Mesilla. The current C-3C (Commercial High Intensity-Conditional) zoning designation limits the development of the subject property as an RV park. The proposed zone change will modify the conditions of the existing zoning designation to allow the subject property to be developed with other limited commercial high intensity uses noted in Exhibit "C" of this CAES packet.

In 1997, the subject property was a portion of a larger tract of land that received master plan and zoning approval for the development of an RV park and limited commercial use. Due to adjacent property owners concern about the master plan and zone change, a number of conditions were made a part of the property's zoning designation. These conditions addressed the parameters for developing the RV park and to transition/buffer the RV park from adjacent residential properties. In 2003, the entire master plan area (including the current subject property) was again rezoned for compliance with the 2001 Zoning Code. All zoning conditions

from the 1997 rezoning were included in the 2003 rezoning and still apply to the property. (A more detailed explanation of the zoning history and the zoning conditions are included in the Planning and Zoning Commission (P&Z) Staff Report – Attachment “A”).

The applicant is now requesting to modify the zoning conditions to allow limited commercial high intensity uses as noted in Exhibit “C” of this CAES packet. These changes include a request to remove the 50-foot landscape buffer screen between the subject property and the abutting residential areas and a condition related to the site plan for the RV park. The applicant has requested that all other existing zoning conditions continue to apply to the property. In addition, staff recommended removing the 60-foot height limitation condition since this is a C-3 development standard per the 2001 Zoning Code. Last, the applicant has also agreed to a new zoning condition for street improvements to Stern Drive. This condition states that the current un-built section of the street will be constructed in conjunction with any development on the subject property that will access it.

On September 27, 2011, the P&Z recommended conditional approval for the proposed zone change by a vote of 6-0-0 (one Commissioner absent). This recommendation was made after robust P&Z, staff and public input and discussion. The discussion included a staff recommendation of keeping the zoning condition requiring a 50-foot opaque landscape buffer screen along the property lines abutting residential zones (This condition is part of a private settlement agreement and staff did not want to interfere with a court approved agreement). Staff also recommended the removal of a condition that required Fire Department approval for development on the property (Fire Department review and approval is required for any building construction and land development in the City of Las Cruces). Various individuals from the public voiced their concerns for the proposed zone change. It was stated that the settlement agreement had not been followed by the applicant and that some landscaping from the buffer area had died off and was never replaced. One member of the public also voiced concerns about the potential of a flea market being developed on the subject property. Other members of the public voiced their support for the proposed zone change at the public meeting. The P&Z recommendation of conditional approval included the following specific conditions:

- A 50-foot opaque landscape buffer screen as defined in the Las Cruces Design Standards for Landscaping must be provided along the property lines abutting residential zones (existing condition from previous zone change).
- A 25-foot wide opaque landscape buffer against the adjacent agricultural zones (existing condition from previous zone change).
- A licensed professional landscape architect must be used for landscape design (existing condition from previous zone change).
- In addition to these landscape buffers 15 percent of the property must be landscaped (existing condition from previous zone change).
- Curb cuts to be provided in a manner which restrict recreational vehicle traffic from exiting onto Boutz Road (existing condition from previous zone change).
- Renderings illustrating proposed buildings at the City Council meeting Resolution 97-386 must be adhered to (existing condition from previous zone change).
- All lighting used within the lot must be screened from residential uses (existing condition from previous zone change).

- Ponding shall be moved as far away as possible from all residential areas (existing condition from previous zone change).
- Covenant Land Use and Settlement Agreement dated November 21, 1997 shall be followed (existing condition from previous zone change).
- The remaining unimproved section of Stern Drive shall be built out to match the existing conditions of the improved section of Stern Drive whenever any development proposing access to Stern Drive is proposed (new condition proposed with this zone change request).
- A flea market shall not be permitted on the subject property (new condition proposed with this zone change request).
- The permitted uses for the subject property shall be limited to those found in Exhibit "C" (new condition proposed with this zone change request).

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A"- Site Plan.
3. Exhibit "B"- Findings and Comprehensive Plan Analysis.
4. Exhibit "C"- Permitted uses on the subject property.
5. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2842.
6. Attachment "B"- Draft minutes from the September 27, 2011 Planning and Zoning Commission meeting.
7. Attachment "C"- Vicinity Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for conditional approval. The subject property encompassing 6.04 ± acres will be rezoned from C-3C (Commercial High Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional). The zone change will facilitate the development of the subject property with limited commercial high intensity uses.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-3C (Commercial High Intensity-Conditional) will remain on the subject property. An RV park will be the only use permitted to be developed 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 1625.
2. Ordinance 2004.
3. Resolution 97-386.

COUNCIL BILL NO. 12-024
ORDINANCE NO. 2646

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) ON 6.04 ± ACRES OF LAND LOCATED ON THE SOUTH SIDE OF STERN DRIVE, 0.35± MILES EAST OF ITS INTERSECTION WITH AVENIDA DE MESILLA; PARCEL ID# 02-30595. SUBMITTED BY TED G. SCANLON ON BEHALF OF HACIENDA RV, LLC, PROPERTY OWNER (Z2842).

The City Council is informed that:

WHEREAS, Hacienda RV, LLC, the property owner, has submitted a request for a zone change from C-3C (Commercial High Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional) for property located on the south side of Stern Drive, 0.35 ± miles east of its intersection with Avenida de Mesilla; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on September 27, 2011, recommended that said zone change request be approved conditionally 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-3C (Commercial High Intensity-Conditional) for property located on the south side of Stern Drive, 0.35 ± miles east of its intersection with Avenida de Mesilla.

(II)

THAT the condition be stipulated as follows:

- A 50-foot opaque landscape buffer screen as defined in the Las Cruces Design Standards for Landscaping must be provided along the property lines abutting residential zones.
- A 25-foot wide opaque landscape buffer against the adjacent agricultural zones.
- A licensed professional landscape architect must be used for landscape design.
- In addition to these landscape buffers 15 percent of the property must be landscaped.
- Curb cuts to be provided in a manner which restrict recreational vehicle traffic from exiting onto Boutz Road.
- Renderings illustrating proposed buildings at the City Council meeting Resolution 97-386 must be adhered to.
- All lighting used within the lot must be screened from residential uses.
- Ponding shall be moved as far away as possible from all residential areas.
- Covenant Land Use and Settlement Agreement dated November 21, 1997 shall be followed.
- The remaining unimproved section of Stern Drive shall be built out to match the existing conditions of the improved section of Stern Drive whenever any development proposing access to Stern Drive is proposed.
- A flea market shall not be permitted on the subject property.
- The permitted uses for the subject property shall be limited to those found in Exhibit "C", attached hereto.

(III)

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

(IV)

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

(V)

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

DONE AND APPROVED this _____ day of _____ 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

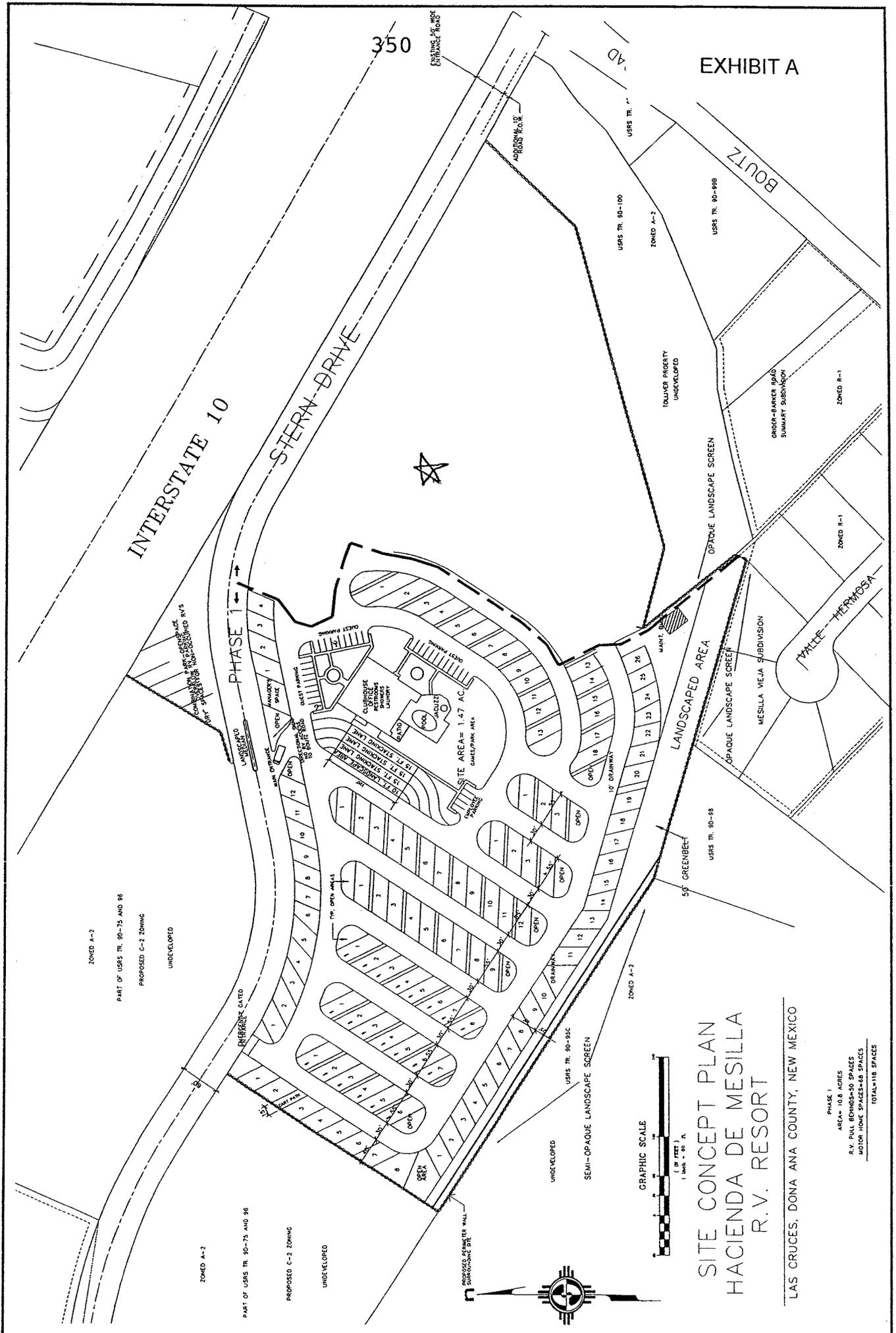


City Attorney

VOTE:

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

EXHIBIT A



SITE CONCEPT PLAN
 HACIENDA DE MESILLA
 R.V. RESORT

LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

PHASE 1
 AREA= 10.8 ACRES
 R.V. FULL BLDGS=50 SPACES
 MOTOR HOME SPACES=68 SPACES
 TOTAL=118 SPACES

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 6.04 ± acres.
2. The subject property is located along Stern Drive, a Minor Arterial roadway, as classified by the Metropolitan Planning Organization (MPO).
3. The subject property is currently zoned C-3C (Commercial High Intensity-Conditional) and is currently undeveloped.
4. In 1997 the subject property was a portion of a 30.802 ± acre tract of land that was approved for a zone change from A-2 (Rural Agricultural from the 1981 Zoning Code) to C-2C (General Commercial-Conditional from the 1981 Zoning Code) and a Special Use Permit (SUP) for the development of a RV park.
5. In 2003 the subject property was a portion of a 17.10 ± acre tract of land that was approved for a zone change from C-2C (Commercial Medium Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional) to bring the properties into compliance with the 2001 Zoning Code, as amended. The conditions are as follows:
 - That no structure exceeds 60 feet in height.
 - A 50-foot opaque landscape buffer screen as defined in the Las Cruces Design Standards for Landscaping must be provided along the property lines abutting residential zones.
 - A 25-foot wide opaque landscape buffer against the adjacent agricultural zones.
 - A licensed professional landscape architect must be used for landscape design.
 - In addition to these landscape buffers 15 percent of the property must be landscaped.
 - Curb cuts to be provided in a manner which restrict recreational vehicle traffic from exiting onto Boutz Road.
 - Emergency exists shall require Fire Department approval.
 - The site plan as approved shall be followed.
 - Renderings illustrating proposed buildings at the City Council meeting Resolution 97 386 must be adhered to.
 - All lighting used within the lot must be screened from residential uses.
 - Ponding shall be moved as far away as possible from all residential areas.
 - Covenant Land Use and Settlement Agreement dated November 21 1997 shall be followed.
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.

C-3 - COMMERCIAL HIGH INTENSITY: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market, whose use generally serves a population of over 15,000.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN (See Section 38-33C)

Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)

Child Care Center or Preschool
Community Buildings - Uses
Convention Center/Exhibition Hall
Hospital
Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

Arcade/Game Room
Batting Cages
Billiard/Pool Hall
Bowling Alley
Country Club
Golf Course
Golf Course, Miniature
Golf Driving Range
Health/Exercise Club/Gymnasium/Sports Instruction
Racetrack, Mini, e.g., go-carts
Recreational Courts, e.g., Tennis (Public)
Skating Rink
Zoo/Botanical Park

SERVICE LAND USES (See Section 38-33F)

Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Art Studio
Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Barber/Beauty/Hair Salon & Related Personal Care
Business Offices
Consulting
Counseling Services
Funeral Home
Credit Reporting & Collection
Desktop Publishing & Graphic Design
Hotel/Motel
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Laboratory
Legal Services

Lessons (Art, Dance, Music, etc.)
 Mailing & Stenographic Services
 Medical/Dental Office
 Motion Picture Production
 Noncommercial Research Organization
 Pharmacy
 Photography Studio
 Real estate
 Tax Preparation

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Parts Store
 Auto/Truck Self-Service/Automated or Full Service Wash/Wax/Detailing
 Auto/Truck/Motorcycle Dealers
 Auto/Truck/Trailer Rental
 Bar/Night Club (Dancing)
 Bar, Pub, Tavern (No Dancing)
 Building Material
 Café, Cafeteria, Coffee Shop, Restaurant, etc.
 Carpet/Window Treatments
 Cleaning & Maid Services
 Clothing Store
 Convenience Store
 Delicatessen, Produce/Meat Market
 Department Store
 Equipment Rental
 Furniture Store
 Garden Supply
 Gas Station
 Grocery Store
 Hardware Store
 Health Care Clinic (Non-Hospital)
 Home Furnishings
 Laundry/Dry-Cleaning Services
 Manufactured Housing/Buildings Dealers (Similar large item sales)
 Newspaper Distribution
 Pawn Shop
 Private Club or Lodge
 Plant Nursery
 Radio/TV Studio/Station
 Small Item Repair Shop
 Specialty Foods (Bakeries, Confectionaries, etc.)
 Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
 Telephone & Communication Ctr.
 Theater
 Theater, Drive-in
 Tire Sales/Repair
 Upholstery Shop
 Variety Store
 Video Tape Rental/Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H)

~~Bus Terminal~~
~~Cab Stand~~
Mini-Storage Units
Parking Facilities, Commercial (Garages & Private Parking Lots)

MANUFACTURING & RELATED LAND USES (See Section 38-33I)
Crematorium

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Apartments (Any configuration/grouping and may include condominiums. Must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
~~Detached, Site-Built, Single Family Dwelling Unit~~
Dwelling Use (Non primary)
Manufactured Dwelling Unit
Bed and Breakfast
Recreational Vehicle Park

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

~~Home Occupation~~
~~Kennel/Cattery (Private Residential)~~
Storage of recreational vehicles and motor vehicle appurtenances
~~Swimming Pool, Private~~
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

~~Religious Institution/Columbarium~~
~~School, (K-12) Public, Private, Parochial~~
~~School, College or University~~
~~School, Commercial, Trade or Technical~~

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

~~Amusement Park (Temporary)~~
~~Archery Range—Indoor~~
~~Firing Range—Indoor~~
Park
~~Sports Arena/Field/Course, Commercial~~
~~Swimming Pool, Commercial or Public~~

SERVICE LAND USES (See Section 38-33F and Section 38-53)

~~Bank, Bonding & Financial Institution/Facility (Drive thru including ATM & other electronic banking)~~

RETAIL LAND USES (See Section 38-33G and Section 38-53)

Auto/Truck Repair & Service
Firewood Sales
Flea Market
~~Kennel/Cattery, Commercial~~
Large Equipment Repair & Service (Non-Vehicular)
Large Equipment Repair & Service (Vehicular)
Petroleum/Propane Sales
~~Seasonal Sales—Non-Temporary (Fireworks, Agriculture Products, Snowcone Stand, etc.)~~

~~Specialty Retailer—Primary business is the sale of tourism products that may include the sale of fireworks~~
 Telemarketing/Mail Order/Call Center
 Temporary Use, (Non-Seasonal)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
 (See Section 38-33H and Section 38-53)

Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
 Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
 Storage outside of buildings of materials, equipment, and supplies not for sale
 Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

Body Shops & Vehicle Painting Establishments
 Construction Yard or Building(s), Temporary
~~Cottage Industry—Retail or Service~~

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures
 Face Mount (Attached to Primary Use)
 Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-54)

Campground

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C and Section 38-54)

~~Racetrack, Animal~~
~~Rodeo Arena~~

RECREATIONAL LAND USES (See Section 38-33E and Section 38-54)

~~Amusement Park—Permanent~~
~~Archery Range—Outdoors~~
~~Firing range—Outdoors~~
~~Sports Complex~~

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
 (See Section 38-33H and Section 38-54)

~~Airport, Privately or Publicly Owned~~
~~Heliport/Helistop~~

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures



Planning & Zoning
Commission
Staff Report

Date: September 14, 2011

CASE # Z2842

PROJECT NAME: Hacienda RV (Zone Change)

APPLICANT: Ted G. Scanlon

PROPERTY OWNER: Hacienda RV, LLC

REQUEST: Zone change from C-3C (Commercial High Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional) to remove two (2) existing conditions placed upon the zoning designation

PROPOSED USE: Limited commercial high intensity uses

SIZE: 6.04 ± acres

CURRENT ZONING: C-3C (Commercial High Intensity-Conditional)

LOCATION: Located on the south side of Stern Drive, 0.35 ± miles east of its intersection with Avenida de Mesilla; Parcel ID# 02-30595

COUNCIL DISTRICT: 4

PLANNING COMMISSION DATE: September 27, 2011

PREPARED BY: Adam Ochoa, Planner *AO*

STAFF RECOMMENDATION: Approval with conditions

PROPERTY INFORMATION

Address/Location: The south side of Stern Drive, 0.35 ± miles east of its intersection with Avenida de Mesilla; Parcel ID# 02-30595

Acreage: 6.04 ±

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

Current Land Use: Vacant/Undeveloped

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

Proposed Land Use: Limited commercial high intensity uses.

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	6.04 ± acres
Current Lot Depth/Width	545 ± feet/ 767 ± feet
Existing Building Height	N/A
Development Standards for Proposed Zoning of C-3C	
Minimum Lot Size	0.5 acres
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		Vacant/ Undeveloped	C-3C	Commercial High Intensity-Conditional
Surrounding Properties	North	Vacant/ Undeveloped	C-3	Commercial High Intensity
	South	Vacant/ Undeveloped	EE	Single-Family Equestrian Estate
	East	Vacant/ Undeveloped	C-3/EE	Commercial High Intensity/Single-Family Equestrian Estate
	West	RV Park	C-3C	Commercial High Intensity-Conditional

HISTORY

Previous applications? Yes No

If yes, please explain: In 1997, Ordinance 1625 approved a zone change from A-2 (Rural Agricultural from the 1981 Zoning Code) to C-2C (General Commercial-Conditional from the 1981 Zoning Code) for a 30.802 ± acre tract of land located between Avenida de Mesilla and Boutz Road and directly west of Interstate 10. The conditions stipulated for the zone change were the same twelve (12) conditions that are still in place today. Along with the approval of the zone change, a Special Use Permit (SUP) was approved for the development of a RV park on a 17.10 ± acre tract of land within the zone changed area.

In 2003, Ordinance 2004 approved a zone change from C-2C (Commercial Medium Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional) for approximately 17.10 ± acres of land located at 740 Stern Drive. The zone change was to bring the properties into compliance with the 2001 Zoning Code, as amended. The properties were zoned C-2C under the 1981 Zoning Code, as amended, now repealed, when a RV park was a permitted use with a Special Use Permit and there was no maximum lot size requirement for the C-2 zoning district. The 2001 Zoning Code, as amended, no longer allows for a RV park in the C-2 zoning district and also has a maximum lot size requirement of one (1) acre. The C-3C zoning designation was required for the properties to allow the RV park by right and to allow the properties to meet all lot size requirements. The conditions stipulated for the C-3C zoning designation were conditions carried over from the previously approved Special Use Permit and zone change.

Previous ordinance numbers? Ordinance 1625 & 2004

Previous uses if applicable: N/A

COMPREHENSIVE PLAN

Elements & Policies:

Land Use Element

1. Goal 1, Policy 1.5.3

Analysis: The existing zoning designation of C-3 and associated conditions limit the use of the subject property to an RV park. The proposed zone change would facilitate the use of additional limited commercial high intensity uses on the subject property. The subject property is located adjacent to other similarly zoned properties making compatibility not an issue. The subject property is also located along a minor arterial roadway, Stern Drive, and very close to a major freeway, Interstate 10, where commercial high intensity uses are encouraged. Recommendation of approval.

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: 2.00 ± 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 type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input 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 type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Curb & gutter extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Paving extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: All post development run-off shall be retained on-site in accordance with City of Las Cruces Design Standards. Recommendation of approval.

MPO:

Road classifications: Stern Drive is designated as a Minor Arterial roadway.

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? 0.45 ± miles west of the subject property on Avenida de Mesilla.

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

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

Traffic Engineering:

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

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

Are road improvements necessary? Yes No N/A

If yes, please explain:

Was a TIA required? Yes No N/A

If yes, summarize the findings:

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

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

Site Accessibility

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

On-Street Parking Impacts

None Low Medium High N/A

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

Future Intersection Improvements

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

Additional Comments: The portion of Stern Drive adjacent to the subject property is currently not improved. The applicant will be required to build out the remaining unimproved portion of Stern Drive to match the existing conditions of the improved section of Stern Drive whenever any development on the subject property proposes access to Stern Drive. Recommendation of approval.

Water Availability and Capacity:

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

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

Additional Comments: Additional off-site utility work may be needed. 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: Mesilla Park Elementary School Distance (miles): 1.24 ± miles
Enrollment: 571
- 2. Middle School: Zia Middle School Distance (miles): 0.67 ± miles
Enrollment: 875
- 3. High School: Las Cruces High School Distance (miles): 0.81 ± miles
Enrollment: 2236

Adequate capacity to accommodate proposal? Yes No N/A

Explain: The proposed zone change is for commercial purposes. School capacity will not be affected by development on the subject property.

DESIGN STANDARDS ANALYSIS

Parking:

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

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

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

If yes, how many parking spaces will be required? The required number of parking spaces is determined by the specific land use. Parking requirements shall be verified during the building permit process.

How many accessible? Accessible parking requirements shall also be determined 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: The subject property is currently undeveloped. All parking requirements of the 2001 Zoning Code, as amended, shall be followed with any future development.

Landscaping and Buffering:

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

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

If no, what landscaping will be required? The subject property will be required to landscape a minimum of 15% of the parking area.

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

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

If no, what additional buffering will be required? The subject will be required to provide a minimum 10-foot opaque or 15-foot semi-opaque bufferyard between the subject property and the adjacent southern EE zoned property.

Open Space, Parks, Recreation and Trails:

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

If yes, how is connectivity being addressed? Explain:

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

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

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

Table 3: Special Characteristics

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

Table 4: Project Chronology

Date	Action
July 25, 2011	Application submitted to Development Services
July 25, 2011	Case sent out for review to all reviewing departments
August 1, 2011	All comments returned by all reviewing departments
August 9, 2011	Staff reviews and recommends approval of the zone change
September 11, 2011	Newspaper advertisement
September 16, 2011	Public notice letter mailed to neighboring property owners
September 16, 2011	Sign posted on property
September 27, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

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

In 1997, the subject property was a portion of a 30.802 ± acre tract of land that was approved for a zone change from A-2 (Rural Agricultural from the 1981 Zoning Code) to C-2C (General Commercial-Conditional from the 1981 Zoning Code). The subject property was also a portion of a 17.10 ± acre tract of land inside the approved zone changed area that was approved for a Special Use Permit (SUP) for the development of an RV park. Both the zone change and SUP were contentious cases that produced a large amount of opposition from the surrounding property owners. Due to the nature of the public protest, both the zone change and SUP were approved with the following conditions:

1. That no structure exceeds 60 feet in height.
2. A 50-foot opaque landscape buffer screen as defined in the Las Cruces Design Standards for Landscaping must be provided along the property lines abutting residential zones.
3. A 25-foot wide opaque landscape buffer against the adjacent agricultural zones.
4. A licensed professional landscape architect must be used for landscape design.
5. In addition to these landscape buffers 15 percent of the property must be landscaped.
6. Curb cuts to be provided in a manner which restrict recreational vehicle traffic from exiting onto Boutz Road.
7. Emergency exists shall require Fire Department approval.
8. The site plan as approved shall be followed.
9. Renderings illustrating proposed buildings at the City Council meeting Resolution 97 386 must be adhered to.
10. All lighting used within the lot must be screened from residential uses.
11. Ponding shall be moved as far away as possible from all residential areas.
12. Covenant Land Use and Settlement Agreement dated November 21 1997 shall be followed.

In 2003, a zone change from C-2C (Commercial Medium Intensity-Conditional) to C-3C (Commercial High intensity-Conditional) was approved for the subject property along with the adjacent property that made up the 17.10 ± acre tract of land that was approved for the Special Use Permit (SUP) for the RV park. The zone change brought both properties into compliance with the 2001 Zoning Code, as amended. Under the 1981 Zoning Code, as amended (now repealed), an RV park was a permitted use in the C-2 zoning district with a SUP and there was no maximum lot size requirement for the C-2 zoning district. The 2001 Zoning Code, as amended, no longer permits a RV park in the C-2 zoning district and has a maximum lot size requirement of one (1) acre. The zone change to C-3 allows the use of an RV park on the two (2) properties by right and allows the properties to meet all lot size requirements. Since the original zone change and SUP received a great amount of public protest, the conditions from the original zone change and SUP were carried over with this zone change to assure consistency with the area.

The applicant is now requesting with the current zone change proposal to remove conditions number 2 and 8 from the list of twelve (12) required conditions. The applicant has stated that the remaining conditions shall remain in place for the subject property and will be met with any future development. The applicant has stated that these two conditions limit the development of the subject property to a RV park only and the applicant is proposing to develop the subject property with other possible commercial uses. The applicant has obtained a letter of support from the adjacent property owner for the proposed zone change (see attachment #4). Staff has also removed condition number 1 from the list of conditions since this is an actual requirement of the 2001 Zoning Code, as amended. Staff has met with the applicant and an agreement has been reached on a limited list of possible commercial uses that may be developed on the subject property (see attachment #3). Staff is also recommending an additional condition requiring the remaining section of Stern Drive be built out to match the existing road section of Stern Drive whenever any development requiring access to Stern Drive is proposed.

FINDINGS

1. The subject property encompasses 6.04 ± acres.
2. The subject property is located along Stern Drive, a Minor Arterial roadway, as classified by the Metropolitan Planning Organization (MPO).
3. The subject property is currently zoned C-3C (Commercial High Intensity-Conditional) and is currently undeveloped.
4. In 1997 the subject property was a portion of a 30.802 ± acre tract of land that was approved for a zone change from A-2 (Rural Agricultural from the 1981 Zoning Code) to C-2C (General Commercial-Conditional from the 1981 Zoning Code) and a Special Use Permit (SUP) for the development of a RV park.
5. In 2003 the subject property was a portion of a 17.10 ± acre tract of land that was approved for a zone change from C-2C (Commercial Medium Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional) to bring the properties into compliance with the 2001 Zoning Code, as amended. The conditions are as follows:
 - That no structure exceeds 60 feet in height.
 - A 50-foot opaque landscape buffer screen as defined in the Las Cruces Design Standards for Landscaping must be provided along the property lines abutting residential zones.
 - A 25-foot wide opaque landscape buffer against the adjacent agricultural zones.
 - A licensed professional landscape architect must be used for landscape design.
 - In addition to these landscape buffers 15 percent of the property must be landscaped.
 - Curb cuts to be provided in a manner which restrict recreational vehicle traffic from exiting onto Boutz Road.
 - Emergency exists shall require Fire Department approval.
 - The site plan as approved shall be followed.
 - Renderings illustrating proposed buildings at the City Council meeting Resolution 97 386 must be adhered to.
 - All lighting used within the lot must be screened from residential uses.
 - Ponding shall be moved as far away as possible from all residential areas.
 - Covenant Land Use and Settlement Agreement dated November 21 1997 shall be followed.
6. Land Use Element Goal 1, Policy 1.5.3 (b) of the 1999 Comprehensive Plan states that commercial high intensity uses shall be located along minor arterial roadways or higher.

STAFF RECOMMENDATION

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

- A 25-foot wide opaque landscape buffer shall be provided against the adjacent agricultural zones.
- A licensed professional landscape architect must be used for landscape design.
- In addition to the landscape buffers 15 percent of the property must be landscaped.
- Curb cuts to be provided in a manner which restrict recreational vehicle traffic from exiting onto Boutz Road.
- Renderings illustrating proposed buildings at the City Council meeting Resolution 97 386 must be adhered to.
- All lighting used within the lot must be screened from residential uses.
- Ponding shall be moved as far away as possible from all residential areas.
- Covenant Land Use and Settlement Agreement dated November 21 1997 shall be followed.
- The remaining unimproved section of Stern Drive shall be built out to match the existing conditions of the improved section of Stern Drive whenever any development proposing access to Stern Drive is proposed.
- The permitted uses for the subject property shall be limited to those found in Attachment #3.

DRC RECOMMENDATION

N/A

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Permitted Uses
4. Applicant's Narrative
5. Comprehensive Plan Elements and Policies
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: HACIENDA RV, LLC.
Contact Person: TED G. SCANLON PE/PS
Contact Phone Number: 575-649-7026
Contact e-mail Address: scanlon@zianet.com
Web site address (if applicable): _____

Proposal Information

Name of Proposal: HACIENDA RV, LLC

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

Location of Subject Property 740 STERN DR. LAS CRUCES, NM 88005
(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: 6.04

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

Detailed description of **intended** use of property. (Use separate sheet if necessary):
INDOOR RV STORAGE, GOVERNMENT OFFICES

Zoning of Subject Property: C3C

Proposed Zoning (If applicable): C3C (amend conditions)

Proposed number of lots N/A, to be developed in _____ phase (s).

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

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

TBD

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

8:00 am - 5:00 pm

Anticipated traffic generation 200 trips per day.

Anticipated development schedule: work will commence on or about 09/01/11

and will take 6 months to complete.

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

on-lot detention facility

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). shielded lighting, landscaping

IN ACCORDANCE WITH CONDITIONS

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? YES

Are there existing buffers on the property? YES

Is there existing parking on the property? Yes No

If yes, is it paved? Yes No

How many spaces? 48 How many accessible? 8

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

C-3 - COMMERCIAL HIGH INTENSITY: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market, whose use generally serves a population of over 15,000.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN (See Section 38-33C)

Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)

Child Care Center or Preschool
Community Buildings - Uses
Convention Center/Exhibition Hall
Hospital
Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

Arcade/Game Room
Batting Cages
Billiard/Pool Hall
Bowling Alley
Country Club
Golf Course
Golf Course, Miniature
Golf Driving Range
Health/Exercise Club/Gymnasium/Sports Instruction
Racetrack, Mini, e.g., go-carts
Recreational Courts, e.g., Tennis (Public)
Skating Rink
Zoo/Botanical Park

SERVICE LAND USES (See Section 38-33F)

Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Art Studio
Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Barber/Beauty/Hair Salon & Related Personal Care
Business Offices
Consulting
Counseling Services
Funeral Home
Credit Reporting & Collection
Desktop Publishing & Graphic Design
Hotel/Motel
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Laboratory
Legal Services

Lessons (Art, Dance, Music, etc.)
 Mailing & Stenographic Services
 Medical/Dental Office
 Motion Picture Production
 Noncommercial Research Organization
 Pharmacy
 Photography Studio
 Real estate
 Tax Preparation

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Parts Store
 Auto/Truck Self-Service/Automated or Full Service Wash/Wax/Detailing
 Auto/Truck/Motorcycle Dealers
 Auto/Truck/Trailer Rental
~~Bar/Night Club (Dancing)~~
~~Bar, Pub, Tavern (No Dancing)~~
 Building Material
 Café, Cafeteria, Coffee Shop, Restaurant, etc.
 Carpet/Window Treatments
 Cleaning & Maid Services
~~Clothing Store~~
~~Convenience Store~~
 Delicatessen, Produce/Meat Market
~~Department Store~~
 Equipment Rental
~~Furniture Store~~
 Garden Supply
~~Gas Station~~
~~Grocery Store~~
 Hardware Store
 Health Care Clinic (Non-Hospital)
~~Home Furnishings~~
~~Laundry/Dry Cleaning Services~~
~~Manufactured Housing/Buildings Dealers (Similar large item sales)~~
~~Newspaper Distribution~~
~~Pawn Shop~~
~~Private Club or Lodge~~
 Plant Nursery
 Radio/TV Studio/Station
 Small Item Repair Shop
 Specialty Foods (Bakeries, Confectionaries, etc.)
 Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
~~Telephone & Communication Ctr.~~
~~Theater~~
~~Theater, Drive in~~
 Tire Sales/Repair
 Upholstery Shop
~~Variety Store~~
~~Video Tape Rental/Sales~~

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H)

~~Bus Terminal~~
~~Cab Stand~~
Mini-Storage Units
Parking Facilities, Commercial (Garages & Private Parking Lots)

MANUFACTURING & RELATED LAND USES (See Section 38-33I)
Crematorium

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Apartments (Any configuration/grouping and may include condominiums. Must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
~~Detached, Site-Built, Single Family Dwelling Unit~~
Dwelling Use (Non primary)
~~Manufactured Dwelling Unit~~
~~Bed and Breakfast~~
~~Recreational Vehicle Park~~

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

~~Home Occupation~~
~~Kennel/Cattery (Private Residential)~~
Storage of recreational vehicles and motor vehicle appurtenances
~~Swimming Pool, Private~~
~~Temporary Uses~~

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

~~Religious Institution/Columbarium~~
~~School, (K-12) Public, Private, Parochial~~
~~School, College or University~~
~~School, Commercial, Trade or Technical~~

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

~~Amusement Park (Temporary)~~
~~Archery Range—Indoor~~
~~Firing Range—Indoor~~
Park
~~Sports Arena/Field/Course, Commercial~~
~~Swimming Pool, Commercial or Public~~

SERVICE LAND USES (See Section 38-33F and Section 38-53)

~~Bank, Bonding & Financial Institution/Facility (Drive thru including ATM & other electronic banking)~~

RETAIL LAND USES (See Section 38-33G and Section 38-53)

Auto/Truck Repair & Service
~~Firewood Sales~~
Flea Market
~~Kennel/Cattery, Commercial~~
Large Equipment Repair & Service (Non-Vehicular)
Large Equipment Repair & Service (Vehicular)
~~Petroleum/Propane Sales~~
~~Seasonal Sales—Non-Temporary (Fireworks, Agriculture Products, Snowcone Stand, etc.)~~

~~Specialty Retailer—Primary business is the sale of tourism products that may include the sale of fireworks
Telemarketing/Mail Order/Call Center
Temporary Use, (Non-Seasonal)~~

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-53)

Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars,
trucks, motorcycles and RVs)
Storage outside of buildings of materials, equipment, and supplies not for sale
Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

Body Shops & Vehicle Painting Establishments
Construction Yard or Building(s), Temporary
~~Cottage Industry—Retail or Service~~

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-54)

Campground

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C and Section 38-54)

~~Racetrack, Animal
Rodeo Arena~~

RECREATIONAL LAND USES (See Section 38-33E and Section 38-54)

~~Amusement Park—Permanent
Archery Range—Outdoors
Firing range—Outdoors
Sports Complex~~

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-54)

~~Airport, Privately or Publicly Owned
Heliport/Helistop~~

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures

Ted G. Scanlon, PE/PS
P.O. Box 683
Mesilla Park, NM 88047
575-649-7026

July 6, 2011

City of Las Cruces
P.O. Box 20000
Las Cruces, NM 88004

Attention: Las Cruces City Council
Via: Community Development Department

Re: Hacienda RV Park
740 Stern Drive
Las Cruces, New Mexico

Dear Mayor Miyagishima and Honorable Members of the City Council:

On May 19th, 2003, the Las Cruces City Council approved Ordinance No. 2004 (Case Z2501) changing the zoning on a certain 17.099 acre tract located at 740 Stern Drive. The tract is currently occupied by Phase 1 of Hacienda RV Resort and approximately one-half of the property is vacant.

The primary purpose of the zone change request at that time was to bring the property into compliance with the 2001 Zoning Code and a Zoning District designation was granted for C-3C (Commercial High Intensity – Conditional). A number of conditions were placed on the property zoning as enumerated in the Exhibit labeled "Exhibit "B"", a copy of which is appended to this letter.

Due to market and economic conditions, it has become apparent that Phase 2 of Hacienda RV Resort will never be feasible to develop and operate. Alternatively, the property owners now desire to develop the property in other manners consistent with the C3 allowable uses. Most of the conditions imposed by Council in 2003 can remain on the property without change. However, the requirement for a 50 foot wide landscape buffer adjacent to the Tolliver property does not seem applicable or reasonable. In 2003, the Tolliver property was zoned for Agricultural use and a condition imposing a 25 foot buffer area was made. The Tolliver property has since changed to residential zoning which would shift the buffering requirements to 50 feet in accordance with the other conditions. I have attached a letter from Mr. Martin Tolliver expressing that he has no objection to removal of all of the buffering requirements adjacent to his property, and that he has no objection to development of the Hacienda property as a commercial development other than an RV Park.

Another condition imposed in 2003 required that the site plan depicting Phase 2 of the RV Resort must be followed. Obviously we are requesting removal of this condition, also so that we might proceed with putting the property to use in manners allowable in the C3 zoning district other than an RV Park. We would provide that all land use requirements of the C3 zone would be adhered to as well as the remaining conditions.

We respectfully request that the City Council Amend the conditions of the C3C Zoning on the property to remove the buffering requirement adjacent to the Tolliver property bordering on the south and remove the requirement that it be developed in accordance with the site plan submitted in 2003 – Phase 2 of the RV Park.

Thank you for your consideration of this request and, as always, if you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted G. Scanlon", with a long horizontal flourish extending to the right.

Ted G. Scanlon, PE/PS
For Hacienda RV Resort.

June 13, 2011

To Whom It May Concern,

I understand that because of the zoning I have acquired on the property I own on Stern Drive near Boutz Road, the landscape and setback buffer restrictions placed on Hacienda RV Park are applicable to my property. I have discussed with the owners of Hacienda their intent to request for commercial zoning not to be used for the RV Park expansion on the remainder of their property which abounds my properties' north survey line.

I hereby do not object to the removal of the buffer requirements which may apply at this time and I hereby support commercial zoning and development of their adjacent property.

Sincerely,

Martin Tolliver



644-8255

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.

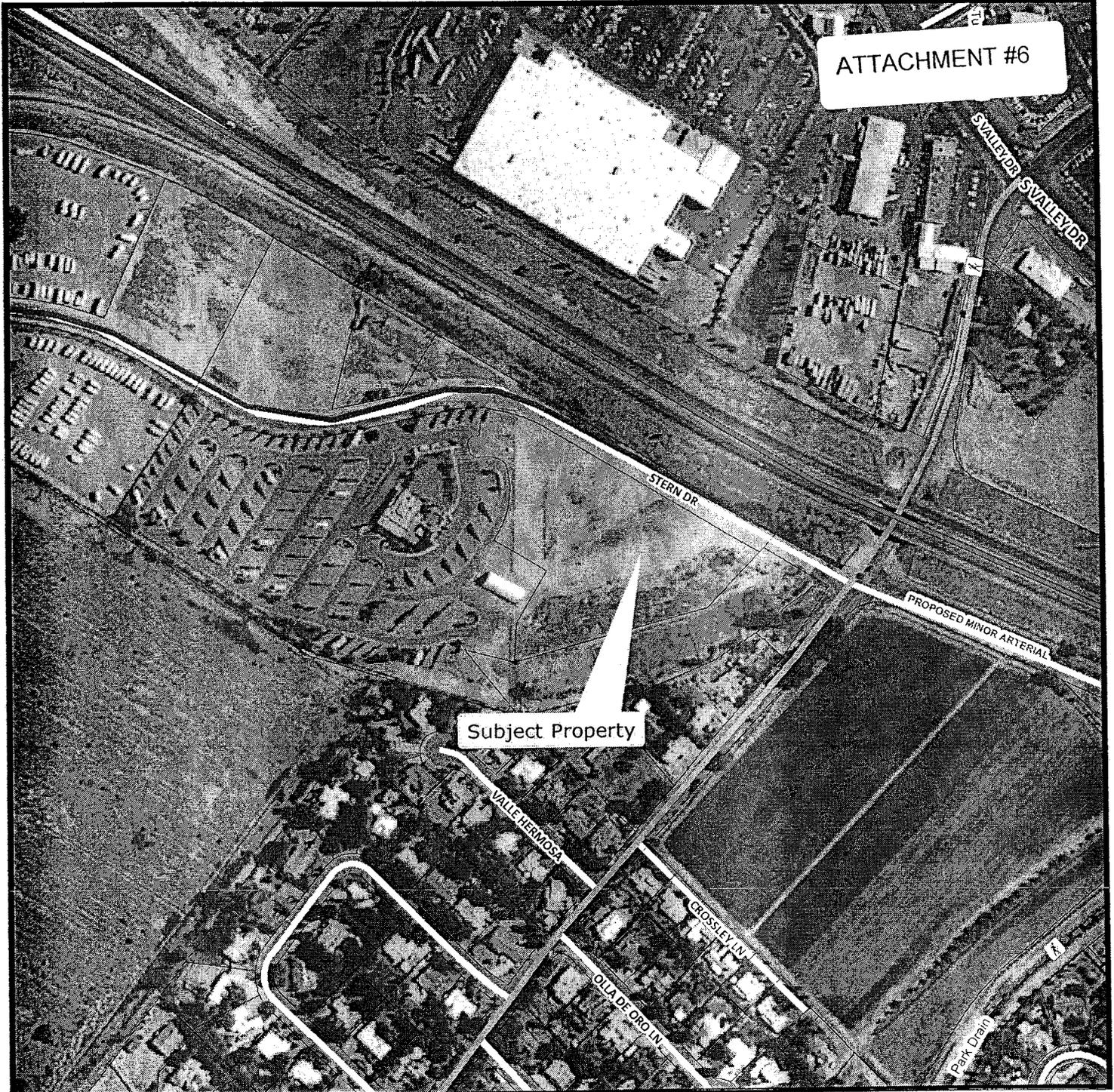
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

ZONING: C-3C
OWNER: HACIENDA RV LLC

380
Aerial View

PARCEL: 02-30595
DATE: 09/20/2011

ATTACHMENT #6



Subject Property

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

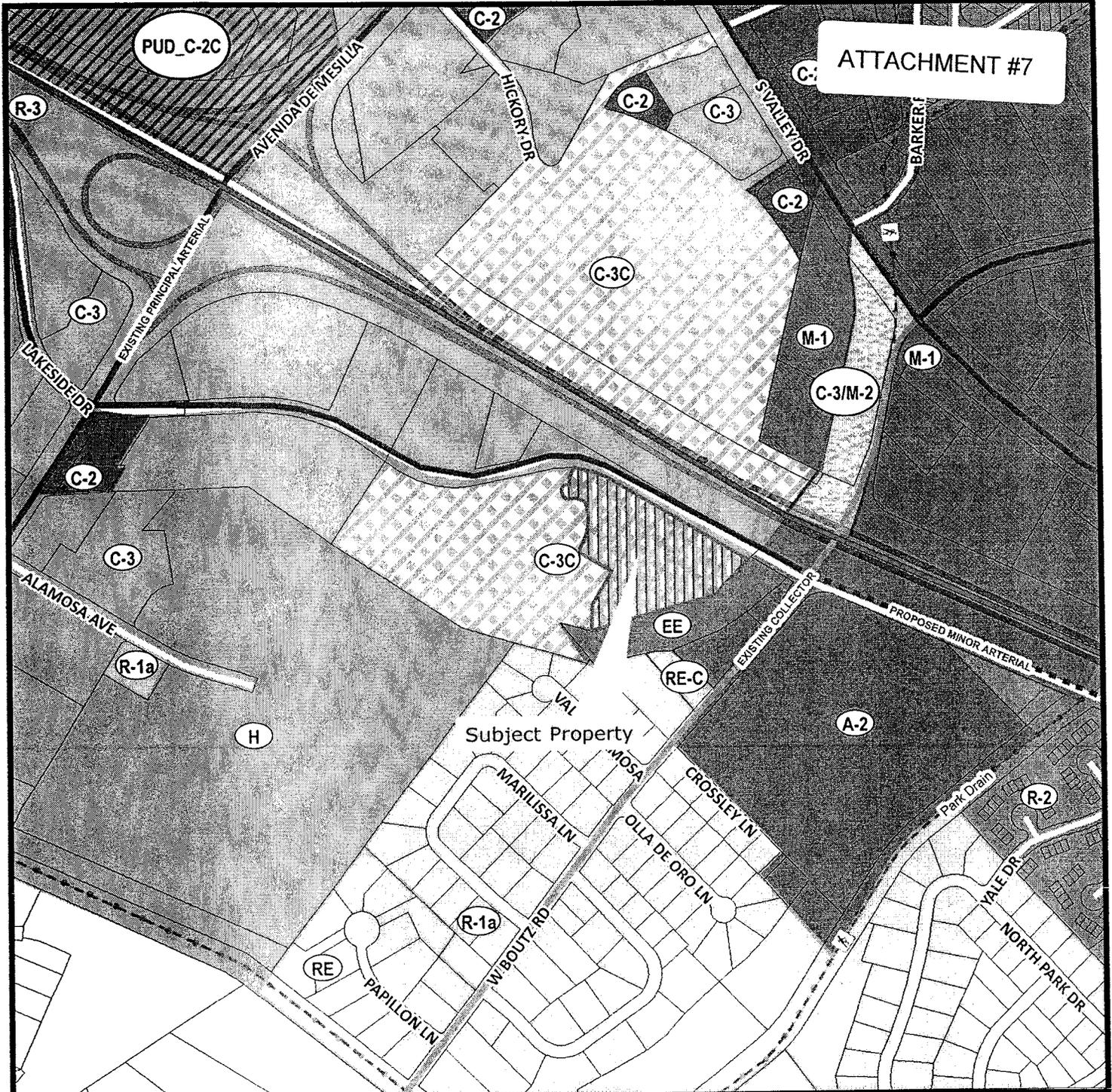
- Public_Facilities
- City Parcel
- Interstates_Highway
- EBID Water System
- +— Railroad
- ▨ Arroyo
- ▨ Rio Grande



150 75 0 150 300 450
Feet

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

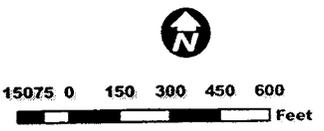
ATTACHMENT #7



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	- - - 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



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
September 27, 2011 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Shawn Evans, Member

STAFF PRESENT:

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

I. CALL TO ORDER (6:00 pm)

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

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

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

- 1
2 Revels: The gentleman that raised his hand is actually the property owner so
3 he doesn't have any comments.
4
5 Scholz: Oh, okay. All right, so we'll leave that on the consent agenda then.
6 So here's how the consent agenda works: we take one vote to
7 approve all of those items; or I should say, both of those items. All
8 right? I'll entertain a motion to approve the consent agenda.
9
10 Shipley: Move to approve the consent agenda
11
12 Scholz: Okay, it's been moved. Is there a second?
13
14 Bustos: Second.
15
16 Scholz: *(to recording secretary)* Did you get that? You didn't get that. Okay,
17 Shipley moved and Bustos seconded. All those in favor say aye.
18
19 All: Aye.
20
21 Scholz: Those opposed same sign. All right, the consent agenda is approved.
22
23 **V. OLD BUSINESS - NONE**
24
25 Scholz: That brings us to our...there's no old business, I assume. No.
26
27 Rodriguez: No, sir.
28
29 **VI. NEW BUSINESS**
30
31
32 1. **Case Z2842:** Application of Ted G. Scanlon on behalf of Hacienda RV,
33 LLC to rezone from C-3C (Commercial High Intensity-Conditional) to C-
34 3C (Commercial High Intensity-Conditional) to remove two (2) existing
35 conditions placed upon the zoning designation on a 6.04 ± acre lot
36 located on the south side of Stem Drive, 0.35 ± miles east of its
37 intersection with Avenida de Mesilla; Parcel ID# 02-30595. Proposed
38 Use: Limited commercial high intensity uses; Council District 4.
39
40 Scholz: Okay, that brings us to our new business which is case Z2843...42, I'm
41 sorry, and Ms. Rodriguez, you are subbing for Mr. Ochoa, I
42 understand, who is under the weather.
43
44 Rodriguez: Mr. Chairman, that is correct.
45
46 Scholz: Very nice of you.

1
2 Rodriguez: Mr. Chairman, Commissioners, presented before you this evening is a
3 request for a zone change from C-3C to C-3C. The applicant is
4 requesting to remove development conditions that were previously
5 established as part of the zoning that took place in 2004, as well as
6 additional development conditions as part of the zone change request.

7 Case specifics: the property in question for the zone change
8 request comprises approximately 6 acres in size and is located on the
9 south side of Stern Drive. Stern Drive is located just west of I-10 and
10 just north of Boutz Road...it's on the west side of Stern Drive...excuse
11 me, and it's approximately 0.35 miles east of its intersection with
12 Avenida de Mesilla. The property is currently zoned C-3C. The zoning
13 for this property was rezoned in the year 2004. The 6 acres in
14 question are currently undeveloped land.... excuse me, the zoning was
15 established in 2003.

16 Some case history for the zoning for the property: the area is
17 part of the Hacienda de Mesilla Master Plan that was established in
18 1997. In 1997 they established the three-phase development of which
19 two phases would incorporate commercial retail-type land uses and
20 one phase would establish an RV Park. In 1997, as part of that master
21 plan you also had a zone change from A-2 to C-2. A C-2 zoning
22 designation at that time was part of the 1981 Zoning Code where C-2
23 represented your highest and best commercial land uses. But also, in
24 addition, when you had an RV park the Zoning Code at that time also
25 required the need for a Special Use Permit so some of the case history
26 for one of the phases of this master planned area is you had a zone
27 change from A-2 to C-2C with development conditions and you also
28 had a Special Use Permit that also had associated development
29 conditions.

30 Then, in May of 2003, with the adoption of the 2001 Zoning
31 Code, the property owner at that time wanted to bring the property into
32 compliance with the 2001 Zoning Code. So you had a zone change
33 from C-2C to C-3C and during the course of that all of the development
34 conditions that were established in 1997 were carried forward through
35 2003.

36 Present day, the applicant is seeking a zone change to remove
37 some of the development conditions and add development conditions.
38 They are requesting to remove three conditions of the original twelve
39 and they are as follows: that no structures would exceed 60-feet in
40 height; that emergency exits shall require Fire Department approval,
41 and; the site plan as approved shall be followed. In referencing the
42 site plan as approved shall be followed is what established this 6 acres
43 in question for tonight's zone change was to be part of an RV park,
44 which was developed on adjacent property in this area. The applicant
45 is also requesting to add two new development conditions regarding
46 the improvements to Stern Drive. Stern Drive is identified in the MPO

1 Transportation Plan as a Minor Arterial. It's currently undeveloped in
2 this area and the City's Development Codes for property that's being
3 developed does not require road improvements unless you are
4 subdividing a property and, to gain access to the property. Staff is
5 recommending the condition that the property owner provide matching
6 existing conditions on Stern Drive. You are not going to be building it
7 to Minor Arterial status but at least you're getting some pavement on
8 the ground. The applicant has also agreed to modify some of the
9 permitted uses allowed in the C-3 Zoning Code right now to limit some
10 of those allowed commercial uses so it's not the broad range of C-3
11 uses. It's more of a narrow scope but greater than what was current
12 specified as an RV park.

13 You're not having exactly a change in land use, changing
14 conditions, other than the fact that the RV Park was developed on the
15 adjacent property. The remaining 6 acres of that was not developed
16 as an RV park. The applicant is seeking to develop it with the
17 commercial uses that are identified in the C-3 Zoning District, but they
18 would like to keep all of these eleven conditions and I can go ahead
19 and read these into the record: the first one is a 50-foot opaque
20 landscape buffer/screen as defined in the Las Cruces Design
21 Standards for landscaping must be provided along the property lines
22 abutting residential zones. Our current Zoning Code does require
23 buffer against mitigating uses and, in this case, the adjacent properties
24 are zoned Residential and, at the time in 1997 and in 2003, the 50-foot
25 opaque landscape buffer was a requirement to help mitigate the impact
26 between commercial and residential uses. Staff is recommended that
27 this condition stand. In addition, a 25-foot opaque landscape buffer
28 shall be provided against any adjacent agricultural zones. A Licensed
29 professional landscape architect must be used for landscape design.
30 This is consistent with our Codes. In addition to the landscape buffers,
31 15-percent of the property must be landscaped. Again, that's still a
32 current development requirement in today's adopted Development
33 Codes. For any recreational vehicle traffic that's exiting onto Boutz
34 Road, appropriate curb cuts would have to be provided. I believe
35 those are currently in place but staff is just recommended to keep that
36 condition carried forward. All renderings illustrating proposed buildings
37 for Resolution 97-386 must be adhered to. This is if the property wants
38 to continue to be developed as an RV park it would be consistent with
39 those illustrations that were originally established and an RV park is
40 still an allowed use in the C-3 Zoning District. All lighting used within
41 the lot must be screened from residential uses. Ponding shall be moved
42 as far away as possible from all residential uses. Covenant Land Use
43 and Settlement Agreement dated November 21, 1997 shall be
44 followed. The remaining unimproved section of Stern Drive shall be
45 built out to match the existing conditions of the improved section of
46 Stern Drive whenever development is proposed on that 6-acre

1 property. The permitted uses for the subject property shall be limited
2 to those found in Attachment #3 of your packet. So what the applicant
3 did is he went through the allowed land uses in the C-3 and then
4 narrowed that focus a bit more and some of the more intense
5 commercial uses, they removed those.

6 The history of some of these conditions is that there was
7 considerable public opposition to the Special Use Permit in the zoning
8 in 1997 and 2003. If the property is intended to be developed in an RV
9 park, which it's permitted to do, it will still have to follow those original
10 conditions that were established in 1997 and 2003.

11 Here's an aerial map of the subject property. You'll see here at
12 the top of the screen where the cursor is, you do have I-10. You do
13 have Stern Drive coming through here, which acts as a frontage road.
14 The subject property, the 6-acre site, you'll see where the pavement
15 ends for Stern Drive so if this property is to be developed the existing
16 improvements that are here on Stern Drive would have to be matched
17 in this area here pursuant to one of the recommended conditions. The
18 RV Park was developed pursuant to the master plan and the zoning in
19 1997 and 2003 located in this general area; and then just to the
20 southwest of the property located in this area you do have residential
21 development and then some agricultural lands. So you do have the
22 buffering requirements that would stay intact to help mitigate those
23 uses for the agricultural property and the residential property,
24 depending on whatever commercial use is proposed for the 6-acre site.

25 These are all the findings that are identified as justification for
26 the zone change request. They are a part of your staff report, talking
27 about the location of the property, the current zoning designation, the
28 property's undeveloped, it's part of the master plan, some of the case
29 history and Ordinances that are established for the subject property,
30 what the applicant's proposing to do and that the zone change request
31 is consistent with the Land Use Element Goal 1, Policy 1.5.3(b) of the
32 1999 Comprehensive Plan which encourages high-intensity land uses
33 adjacent to Minor Arterial roadways.

34 Staff recommendation of this case is approval with the eleven
35 conditions. I've already read these eleven conditions into the record.
36 One of the things that is important to note is that this property, as I
37 stated earlier, it's part of the Hacienda de Mesilla Master Plan. Prior to
38 this meeting it was determined that there might be a master plan
39 amendment warranted for this. What staff is prepared to do is: if P &
40 Z makes a recommendation on this case, this would be forwarded to
41 the City Council in November. A master plan amendment, if it's
42 warranted for a major amendment, staff can bring that to you at your
43 October Planning and Zoning regular meeting.

44 Your options for tonight are: to approve the zone change
45 request as recommended by staff; approve it with additional conditions
46 determined appropriate by you; deny the case, or; table and postpone.

- 1 If you have any questions pertaining to the zone change request
2 in context to the City's Development Codes I'll be more than happy to
3 answer your questions. If you have any questions about the intent as
4 to how this property will be developed the applicant is here and I'd ask
5 that he provide a presentation to you.
6
- 7 Scholz: Thank you, Ms. Rodriguez. Are there questions? Yes, Commissioner
8 Shipley.
9
- 10 Shipley: Ms. Rodriguez, thank you for your briefings. They're very good. One
11 of the things that I got really confused on was that in the staff report it
12 talks about the applicant is requesting a change two conditions:
13 number 2 and number 8; and you said conditions 1, 7 and 8. Matter of
14 fact, 1, 7 and 8 were changed in the 2003 meetings.
15
- 16 Rodriguez: Mr. Chairman, Commissioner Shipley, thank you for pointing that out.
17 The staff report says that, yes, it's 2: actually that is a typo in the staff
18 report when preparing this presentation. It should be 3 and I've read
19 them into the record. So the intent is that all the conditions that were
20 originally established should be carried forward with the exception of
21 those two.
22
- 23 Scholz: Okay. Commissioner Crane.
24
- 25 Crane: I have three questions. There's a letter from a Mr. Tolliver, who is
26 apparently a land owner adjacent to this property. It is not clear to me
27 which is his property. Are you able to say?
28
- 29 Rodriguez: Mr. Chairman, Commissioner Crane, if you could have the applicant
30 answer that question.
31
- 32 Crane: Okay. Secondly, on that aerial could you just explain where the 25-
33 foot and where the 50-foot boundaries will be required, the vacant
34 zones?
35
- 36 Rodriguez: Mr. Chairman, Commissioner Crane, the residential uses and
37 agricultural uses are located in this general area so this property is
38 intended to be developed. The buffer requirements will be located in
39 this bottom portion of the subject property. Do you see the cursor?
40
- 41 Crane: That would be the 50-foot or the 25?
42
- 43 Rodriguez: Both.
44
- 45 Crane: I don't understand "both." Is that 75-feet?
46

- 1 Scholz: Commissioner Crane, it would be 50-foot for residential and 25 for
2 agricultural, if I understand it. Is that correct?
3
- 4 Rodriguez: Mr. Chairman, Commissioner Crane, if you'll just give me a moment to
5 review the staff report.
6
- 7 Scholz: Certainly.
8
- 9 Rodriguez: Mr. Chairman, Commissioner Crane, this subject area right here is
10 zoned Equestrian Estates but it's currently developed as Agricultural
11 use. So, if the property remains as Agricultural use, then it's my
12 understanding that the 25-foot opaque buffer would be required. If this
13 property was developed as Residential then you would have a 50-foot
14 buffer, is my understanding.
15
- 16 Crane: And how about on the other two sides of this kind of "triangle?" Any
17 buffer required there?
18
- 19 Rodriguez: Mr. Chairman, Commissioner Crane, in this general area, because you
20 have an RV park established here that's considered a Commercial use
21 and because of the buffer requirements as outlined in our Zoning Code
22 in today's Standards, regular setbacks would apply. No additional
23 buffering would be required.
24
- 25 Crane: And along Stern Drive?
26
- 27 Rodriguez: Along Stern Drive there would be no buffering; just your general
28 landscaping.
29
- 30 Crane: And finally: you require that curb cuts be such as to prevent RVs from
31 getting onto Boutz and I don't see how anything can get onto Boutz
32 from this property. But, in any event, what kind of curb cut would stop
33 an RV but permit some other kind of vehicle?
34
- 35 Rodriguez: Mr. Chairman and Commissioner Crane, it's my understanding that the
36 intent for those curb cuts was that if Stern Drive was to be built out
37 you'd see access in this general area. But Stern Drive, if it was
38 extended and dedicated as a public right-of-way, which it would be, it
39 would be your typical traffic. You and I would drive on it and an RV
40 could come...
41
- 42 Crane: So what's the purpose of this condition about curb cuts?
43
- 44 Rodriguez: Mr. Chairman, Commissioner Crane, that was a condition that was
45 established in 1997. Because of the history of the project staff thought
46 it prudent to just keep carrying that forward.

1
2 Crane: Thank you.
3
4 Scholz: All right, thank you, Ms. Rodriguez. I had that same question and I
5 was puzzled by that. You gave us three conditions that were deleted.
6 I have two of them down: the one about building height, one about the
7 fire exits being approved. What was the third one? Oh, I'm sorry, I
8 don't have it on my screen...
9
10 Shipley: Number 8 is...
11
12 Rodriguez: The site plan where we are regarding the RV Park.
13
14 Scholz: Thank you. Okay, any other questions for Ms. Rodriguez? All right,
15 may we hear from the applicant, please?
16
17 Scanlon: Thank you, Chairman Scholz and Members of the Commission. My
18 name is Ted Scanlon and I represent the applicant. *(aside to Ms.*
19 *Rodriguez)* Can I get this PowerPoint back up? A couple of things I
20 just wanted to touch on real quick and this is...in the case specifics
21 they pointed out three conditions to the existing twelve conditions that
22 would be eliminated, I guess; and one of them was that emergency
23 exits shall require Fire Department approval and I don't remember that
24 ever coming up and I don't know why I would ever request we would
25 eliminate a condition such as that because the Fire Department has to
26 approve everything that we do anyway. So we can't go around telling
27 the Fire Department what they can and can't approve so I wouldn't
28 necessarily agree with that condition that Fire Department approval.
29 That must have been something that had to do with the fact that we
30 had private accesses within the RV Park and, as private access areas
31 and so forth inside the RV Park, the Fire Department may not have, at
32 that time, been purview to a review on those. But we certainly,
33 nowadays, of course, the Fire Department gets to review everything so
34 I wouldn't hasten to remove that as a condition of the approval of the
35 development.
36 Let me explain a couple more things. Let me move forward...
37 one of the questions that was asked was the Tolliver property. Tolliver
38 owns this EE property in here. It borders between this residential area
39 and our property. The conditions that were placed back in when the
40 original master plan was approved and so forth required 50-foot
41 buffering along residential and 25-foot along agricultural. At that time
42 the Tolliver property was zoned A-2. It's been in agricultural use
43 forever and so there was a 25-foot requirement along here and it was a
44 50-foot requirement along this existing residential and even extending
45 some distance past the residential area is the way it was defined.

1 Now, a lot of those conditions that were on this were the result
2 of a settlement of a lawsuit. We were sued by some of the owners
3 within the existing subdivision, the Valle Hermosa, along Valle
4 Hermosa Street, to try to stop the development and we came to a
5 development agreement whereby we were required to do certain
6 things and they were required to let us do certain things and so forth as
7 part of that agreement. That was arbitrated and it was endorsed by
8 District Court and filed a record and so a lot of those conditions that
9 were placed upon the original approval of the site plan and the zoning
10 were the result of that document and they were couched, so to speak,
11 to mirror the settlement agreement. That's why, I believe, it is
12 appropriate for a lot of those to be carried forward because I don't think
13 we can override the decision of the District Court in applying those as
14 conditions to the zoning as they were resulted from that original
15 settlement.

16 The reason that we're here, you can see...this is Hacienda RV
17 Park. We don't have very many customers very often. We have rallies
18 from time to time that will fill up the Park but in this economy people
19 are not buying RVs. They're not traveling not much in them with diesel
20 at \$4.00-plus a gallon. There's just not much traffic in there and it
21 hasn't developed and built up into the business that we had hoped it
22 would.

23 We had reserved this area for the second phase, almost the
24 same number of spaces as the original phase, but it has become
25 apparent to us that we're never going to build out. So we need to
26 figure out a way to put this property to a better use and that's why we
27 came back with this request so that we could start marketing the
28 property for very low-intensity commercial, C-3-type uses. If you look
29 through the list we eliminated almost everything that could be
30 bothersome to anybody. We have an opportunity right now to develop
31 the property or a bulk of the property if we are successful in our
32 proposal as a federal government office building and that is what it
33 would end up being of we are successful in securing that contract. So
34 that's the reason.

35 A question came up about Stern Drive and, as Cheryl pointed
36 out, this is the end of the existing pavement here. If anything is to be
37 built on here and developed in any way we will have to build Stern
38 Drive matching the current cross-section all the way out to Boutz Road.
39 The utilities are already there. When we built the RV Park we built the
40 water, sewer and gas lines in that street all the way to here. It's a
41 dedicated street but we were not required to build all of it at that time
42 because we weren't developing adjacent to it and it was felt that it
43 wasn't really needed from a traffic standpoint because of the low
44 volume of traffic that would be generated by only the RV Park in this
45 area.

1 If you look at this exit right here you'll see that there's a concrete
 2 median out in the street. What that is designed to do is to keep those
 3 big RVs from being able to turn right onto Boutz. They can easily turn
 4 left and cut right there and come back down this way but that's a
 5 standing median out there and when we build this, if we have an exit at
 6 this location, we'll build the same type of median arrangement there so
 7 that those big vehicles can't negotiate that turn. It's too tight for them.
 8 So they can only turn left out of there and that's what was meant by
 9 having the driveways that prohibited the RVs from having access over
 10 to Boutz Road. This way they have to go back down to Avenida de
 11 Mesilla and the I-10 interchange area.

12 I think that was pretty much the questions that were asked. I'll
 13 be here if any additional questions have been brought up in your minds
 14 due to my presentation. I'd be happy to answer those if I can.

15
 16 Scholz: Okay, thank you, Mr. Scanlon. Any questions for this gentleman?
 17 Commissioner Beard.

18
 19 Beard: I'm still not clear: is this going to be developed...the road on over to
 20 Boutz?

21
 22 Scanlon: At such time as a development takes place on this property here we
 23 are required to build Stern Drive over to Boutz.

24
 25 Scholz: Okay. Someone else? I see a serious look...no? Commissioner
 26 Crane, did you have a question? All right. Thank you very much, Mr.
 27 Scanlon. Okay, folks, I want to open this to public discussion. How
 28 many people wish to speak to this issue? Okay, just one. Well,
 29 ma'am...there are two. Okay. You have the floor. I'd like you to come
 30 up and give us your name and then tell us what your concern is.

31
 32 Hine: Good evening, Commissioners. My name is Beverly Hine. I live on
 33 Valle Hermosa and I have lived there since 1988 so I was, indeed, part
 34 of this process in '97. I have some concerns because the attachment
 35 that talks about the uses, I think it was Attachment B, referenced in
 36 your packet was not available to us prior to this so we don't really
 37 know, as residents, what those conditions may or may not be. So that
 38 kind of limits what we are able to speak to at this point. We'd like an
 39 opportunity to be able to review that.

40
 41 Scholz: Okay, do you have a copy now?

42
 43 Hine: I do not.

44
 45 Scholz: (to Ms. Rodriguez) Oh. Can this lady be provided with a copy? It's
 46 Attachment 3 in our package.

1
2 Hine: In addition to that, jus as an FYI, Boutz Road in this area is 25-mile-per
3 -hour and in the interim since the 1997 and again 2004 Resolutions
4 were made we've had to include speed bumps because...
5
6 Scholz: I know. I drive it.
7
8 Hine: Yeah. Sometimes people pay attention and sometimes they don't but
9 generally it only takes one time to convince them that 25-miles-an-hour
10 is something that we're looking for. I also have a concern about the
11 height of the building that's proposed and what impact that would have;
12 and also, just to let you know that the agricultural buffer where the
13 cypress trees that were requested in '97, most of them have died, as a
14 lot of our trees have since last winter. So we'd like to make sure that
15 that landscaping gets replaced at the RV Park and that any additional
16 landscaping follows through with the request.
17
18 Scholz: All right. I think Ms. Revels went out to make a copy of that
19 attachment. Yes, sir. Yes, yes. Come on down.
20
21 Womack: James Womack. I live on Valle Hermosa also.
22
23 Scholz: Excuse me, sir. How do you spell you last name?
24
25 Womack: W-o-m-a-c-k.
26
27 Scholz: Thank you very much.
28
29 Womack: My wife and I were parties to the discussions that took place in '97.
30 There were a lot of promises made... Well, let me preface this by
31 saying we've talked a lot tonight or we've heard a lot tonight about the
32 RV Park but if the words we hear are true this probably will never turn
33 into an RV park in this triangle that is outlined in blue. What we're
34 seeing is that there's going to be some sort of commercial
35 development. There was no discussion and I would ask the question:
36 what types of businesses would we expect to see in that area. Now
37 they may be outlined in that addendum that we did not get.
38
39 Scholz: They are, as a matter of fact, and you'll get a copy of them in a
40 moment, sir.
41
42 Womack: Okay. So that will be helpful. We also talked about the 50-foot zone
43 and the 25-foot zone of opaque plantings or whatever. I don't
44 recall...well, there was a lot of discussion in '97 about the landscaping
45 that would go in there: the trees that would go in and so on and so
46 forth. I went out in my back yard last night and I looked and I could

1 see a number of trailers and the trees are...I didn't take a tape
2 measure out and measure them but they're between 30 and 40-foot
3 separation between each tree. The trees are not big. Several of them,
4 as Beverly Hine's mentioned, have died. They've been dead for longer
5 than just in this most recent winter. But they certainly don't provide
6 any kind of an opaque barrier between the residential property and the
7 commercial property. So, I would, again, ask the question that
8 probably can't be answered at this moment but: what kind of
9 assurance do we have that there really is going to be some sort of an
10 opaque barrier? Now there is a rockwall but it certainly does not hide
11 any of the RV Park and it's opaque. You can't see through it.

12 Oh, there was an addition made to the RV Park. It's the white
13 building on the southwest side there. It is a combination cement and
14 fabric building and shortly after they opened the RV Park that became
15 a concert hall. Being fabric it certainly doesn't contain a lot of the
16 sound and I know there had been a number of complaints from people.
17 Now, in the last two years, frankly, I haven't heard a peep from
18 anybody so maybe the City shut them down. But we would like to
19 know what kind of resolution would we have that would prevent the
20 businesses from doing something similar and setting up a stage and
21 using it in performances. That's all I have.

22
23 Scholz: All right. Any questions for this gentleman? No? Okay...and two
24 more people would like to speak now. Okay, the gentleman next to Mr.
25 Scanlon. You'll have to be on mike, sir.

26
27 Tolliver: Good evening. My name is Martin Tolliver and I own the Tolliver
28 property and I just wanted to say that I'm in favor of the zone change.
29 That's really all I have to say.

30
31 Scholz: All right. Thank you. I think we saw a memo or a letter from you to
32 that regard. Thank you, Mr. Tolliver. All right...and this gentleman in
33 the light blue shirt.

34
35 Bulsterbaum: Good evening, Commissioners, Chairman. My name's Kary
36 Bulsterbaum. I'm a commercial real estate broker in town and I also...

37
38 Scholz: Give me your name again, sir.

39
40 Bulsterbaum: Kary Bulsterbaum. Like you said, the last name but it's B as in "boy,"
41 u-l-s-t-e-r-b-a-u-m.

42
43 Scholz: Thank you.

44
45 Bulsterbaum: Mr. Scanlon commented on one thing. I'd just like to elaborate on it
46 and hopefully put some fears to rest. I can tell you that approximately

1 2.35 acres of that property has been...and all it's been has been
2 tabbed as a possible...key phrase on the "possible" for a site for a
3 USDA field office, a government field office. The USDA has been
4 looking at...they're spread out all over town. They've been looking at
5 doing some consolidations and bringing all that under one roof. I can
6 assure you for what...and there's several folks bidding on that in town.
7 There's no guarantee that that site would be tabbed for that. All I can
8 tell you is it should just be your typical office environment. Whenever
9 you are dealing with the government you can bet that they look at all
10 sorts of developments, surrounding standards and uses and zonings.
11 You're talking landscaping that will have to be adhered to, to the "T."
12 You're talking secured parking that would have to be adhered to, to the
13 "T." If you've ever seen any sort of a federal facility...I mean, there's a
14 lot of high-level related standards that have to apply to those buildings.
15 The only thing I would know from an intensity standpoint is they do
16 inspections of various agricultural-related trailers that would be
17 inspected there on-site. Once again, it would have to comply to
18 whatever standards that everybody would have to agree to; but I just
19 wanted to, in terms of letting people's minds wander...I mean, there's
20 no telling what would happen to the adjacent area. I'm just telling you
21 it's been tabbed with no guarantee that that would be a selected site.
22 It's just one that has caught the interest of the federal government
23 pending the outcome of the forthcoming bid... unless anybody has any
24 questions for me about that.
25

26 Scholz: Okay. A question from Commissioner Crane.

27
28 Crane: You mentioned inspections of trailers. Are these trailers containing
29 produce and animals?
30

31 Bulsterbaum: I believe so. I'd have to clarify that but...

32
33 Crane: So, would they be constrained to come down Stern Drive from Avenida
34 de Mesilla and not up from Boutz?
35

36 Bulsterbaum: I would think that would be the case...and I don't know and I would
37 have to get clarification that they're actually bringing...I just don't see
38 inspection trailers, not necessarily animals and livestock. I've heard no
39 talk of livestock, actually, being inside those trailers. It's just that the
40 standards that for which they carried on, is what my understanding is;
41 but I need to clarify that.
42

43 Crane: Thank you.

44
45 Scholz: Other questions? All right. Thank you very much, sir.
46

- 1 Bulsterbaum: Thank you.
2
- 3 Scholz: And one more person has decided to speak. All right.
4
- 5 Montez: Hello. My name is Jaime Montez. I also live on Valle Hermosa there.
6 I'm one of the property owners down here. My main concern is the
7 traffic opening Stern Drive all the way to Boutz. I don't see any traffic
8 survey, seen any of the impact of the traffic on Boutz. Frankly, I don't
9 want that road opened all the way to Boutz. Is there any engineering
10 survey right now?
11
- 12 Scholz: I don't know and the staff is looking through the documents right now.
13 I would say, sir, since that's a dedicated right-of-way that's one of
14 those inevitabilities, you know. That's my best guess. Ms. Rodriguez.
15
- 16 Rodriguez: Mr. Chairman, what I'll read into the record is what the City's Traffic
17 Engineer provided as a response to this development application and
18 it'll be on page 5 of your packet on the staff report. The City's Traffic
19 Engineer recommended approval and did not have any concerns for
20 traffic on Stern Drive, because it is a Minor Arterial, and the City's
21 Traffic Engineer did not require a Traffic Impact Analysis for this
22 development proposal.
23
- 24 Scholz: Okay. That answers half of your question.
25
- 26 Montez: I guess that answers all my questions. Thank you.
27
- 28 Scholz: Okay. Thank you very much. Yes, ma'am. You'd like a second bite of
29 the apple.
30
- 31 Hine: Thank you. Beverly Hine, again. After having looked at the allowed
32 uses of conditions I noticed that flea market is still along the allowed
33 use and I think that would be a huge problem for us, as well as large
34 equipment repair and service both vehicular and non-vehicular. I think,
35 again, that's moving away from the intended use of the property. We
36 had talked about it in '97 about doing apartments and low-density kinds
37 of stuff and that seems to be continuing. Storage of recreational
38 vehicles, again, that doesn't seem to be too far off the mark, in my
39 view; but I would have serious concerns about the other type of use
40 down under Retail Land Uses. I think that flea markets are not
41 appropriate.
42
- 43 Scholz: All right. Thank you. Anyone else wish to speak to this from the
44 public? I'm going to close this to public input and, gentlemen, what is
45 your pleasure? Commissioner Shipley.
46

- 1 Shipley: Would the applicant be willing to address the last request regarding
2 flea market and the other items?
3
- 4 Scholz: If he chooses, yes. Mr. Scanlon.
5
- 6 Scanlon: Mr. Chair, Members of the Commission, I don't think we'd have a
7 particular problem in eliminating the use of a flea market as one of the
8 allowable uses.
9
- 10 Scholz: All right...and that was under "F," wasn't it, for fleas?
11
- 12 Crane: Mr. Chairman?
13
- 14 Scholz: I don't see it here. What category was it under?
15
- 16 Shipley: Under Retail Land Uses at the bottom of the page. Yes, it's under
17 Land Uses Allowed with Conditions.
18
- 19 Scholz: I'm still missing it here.
20
- 21 Shipley: It's on the left-hand side at the bottom of the page. It's about the sixth
22 from the bottom under Retail Land Uses. See Section 38-33(g)?
23
- 24 Scholz: I'm in the right place.
25
- 26 Shipley: It's on Land Uses Allowed with Conditions.
27
- 28 Crane: Mr. Chairman, on the third page.
29
- 30 Scholz: All right, I'll take your word for it... Oh, there we go. I got it. We're
31 scratching flea markets, which I think is appropriate. Oh, gosh, what's
32 your pleasure?
33
- 34 Crane: Mr. Chairman?
35
- 36 Scholz: Yes. Since their sign's boarded up what does Mr. Scanlon think of
37 also eliminating the heavy equipment repair? I assume that the local
38 people are concerned about traffic more than anything.
39
- 40 Scanlon: I think the heavy equipment repair business wouldn't be particularly
41 incompatible with many of the other land uses within the area on both
42 sides of the freeway in that area but we, in this day and age, have to
43 follow very, very strict guidelines for the storage of vehicles outdoors
44 and screening those things and so forth and making certain that all of
45 the current, modern code requirements are adhered to; and I know that
46 we discussed with the property owners more than once whether or not

- 1 we would want to eliminate that and I think they think that could be a
2 viable use that wouldn't necessarily have a negative impact on the
3 neighborhood since that exact use exists right across the highway.
4
- 5 Scholz: Thank you. And I would assume that use actually exists in the RV
6 section as well. They do repairs there, don't they?
7
- 8 Scanlon: They do repairs on further down Stern Drive on either...there are two
9 RV places...I can't remember the names...
10
- 11 Scholz: Oh, one's a rental and one's a sales, I think.
12
- 13 Scanlon: They're both sales and service.
14
- 15 Scholz: Oh, okay. Both do sales.
16
- 17 Scanlon: They both do sales and service and a little closer to Avenida de
18 Mesilla. Ours is just a Park.
19
- 20 Scholz: Right. Okay. All right, what is your pleasure, gentlemen? Thank you,
21 Mr. Scanlon. I'll entertain a motion to approve. Commissioner Crane.
22
- 23 Crane: I will move to approve with the additional stipulation that flea market
24 not be permitted on that property.
25
- 26 Scholz: All right.
27
- 28 Shipley: There was an additional condition that was to be removed that was not
29 to be removed, which was the Fire Department site...I think it was
30 number 7.
31
- 32 Scholz: Right.
33
- 34 Shipley: Number 7; it was supposed to be left in. It was, "Emergency exits shall
35 require Fire Department approval." Yes, but in the briefing it was to
36 strike that.
37
- 38 Scholz: Okay, can you go back one screen, please?
39
- 40 Rodriguez: Mr. Chairman and Commissioner Shipley, the condition that was
41 omitted in your packet was the condition requiring the 50-foot opaque
42 landscape buffer. The emergency exits for Fire is what Mr. Scanlon
43 was referring to. Any development on this property is going to be
44 subject to review by the Las Cruces Fire Department and will be
45 subject to the International Fire Code provisions and will have to meet
46 all Fire Emergency Management Access requirements.

1
2 Scholz: So you're suggesting we don't have to make a change there or add an
3 additional condition?
4
5 Rodriguez: Mr. Chairman, it would be my professional recommendation that we
6 don't need to because it's consistent with what the Fire Department
7 has to do with the International Fire Code.
8
9 Scholz: Okay. Commissioner Beard, you have a comment on the tip of your
10 tongue.
11
12 Beard: Well, I thought it was already approved, to tell the truth. When you
13 look under Findings it says, 'Emergency exists shall require Fire
14 Department approval.'
15
16 Scholz: But as I recall from the previous screen that was one of the three
17 things that was to be eliminated.
18
19 Crane: That was what was in from way back but the staff recommendation
20 does not include that on page 10. The conditions, Ms. Rodriguez, are
21 these on page 10, right?
22
23 Rodriguez: Mr. Chairman, Commissioner Beard and Crane, the finding that you're
24 referring to is the finding of fact that established the conditions from
25 2003, which staff is recommending today, is that that condition does
26 not have to be part of today's zone change request. Mr. Scanlon has
27 stated that he is okay with leaving it in there but staff, professionally
28 speaking, you've got stricter standards under today's International Fire
29 Code than just a general statement as written in 2003.
30
31 Scholz: Thank you.
32
33 Crane: So what you are recommending currently is...
34
35 Rodriguez: Commissioner Crane, we are recommending that you don't need to put
36 it in there; but if you'd like to put it in there you can but you don't need
37 to.
38
39 Crane: Right. So what you are recommending is on page 7.
40
41 Rodriguez: Yes, sir.
42
43 Crane: Okay. Thank you.
44
45 Scholz: And we have a fireman to our rescue here...
46

1 Rodriguez: With the other requirement located here on page 10 of your staff report
2 are ten conditions. What staff is recommending is eleven conditions
3 with that first one, that 50-foot opaque landscape requirement. It was
4 omitted from your staff recommendation section on page 10. So, we're
5 recommending the additional eleven plus the additional condition to
6 remove flea markets as an allowed use. So now you have twelve
7 conditions.
8
9 Crane: All right. Thank you. Yes. Mr. Chairman, point of order. Do we have
10 a second yet?
11
12 Scholz: No, actually we haven't had a motion yet.
13
14 Crane: I thought I'd moved.
15
16 Scholz: I'm sorry. Yes, Secretary, did we get a motion?
17
18 Crane: I moved for approval with an additional condition.
19
20 Scholz: Thank you, Commissioner Crane. All right, is there a second to the
21 motion?
22
23 Shipley: Second it.
24
25 Scholz: All right, it's been moved and seconded. Yes, Commissioner Beard,
26 you have another question or comment?
27
28 Beard: *(inaudible)*
29
30 Scholz: Yes, ma'am. We've closed this to public discussion, ma'am. All right.
31
32 *(woman speaking from the audience – inaudible)*
33
34 Scholz: I'm going to 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 Bustos.

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Bustos: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings, discussion and site visit.

Scholz: And the Chair votes aye for findings, discussion and site visit. Thank you, gentlemen. Thank you, folks.

VII. OTHER BUSINESS

Scholz: Okay, is there other business before this evening?

Rodriguez: No, sir.

VIII. PUBLIC PARTICIPATION

Scholz: Any other public participation?

IX. STAFF ANNOUNCEMENTS

Scholz: Hearing none, any staff announcements?

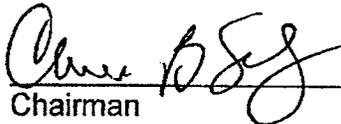
Rodriguez: No, sir.

Scholz: Well, I have one question: when will we get the minutes for the Special Meeting of September 8th?

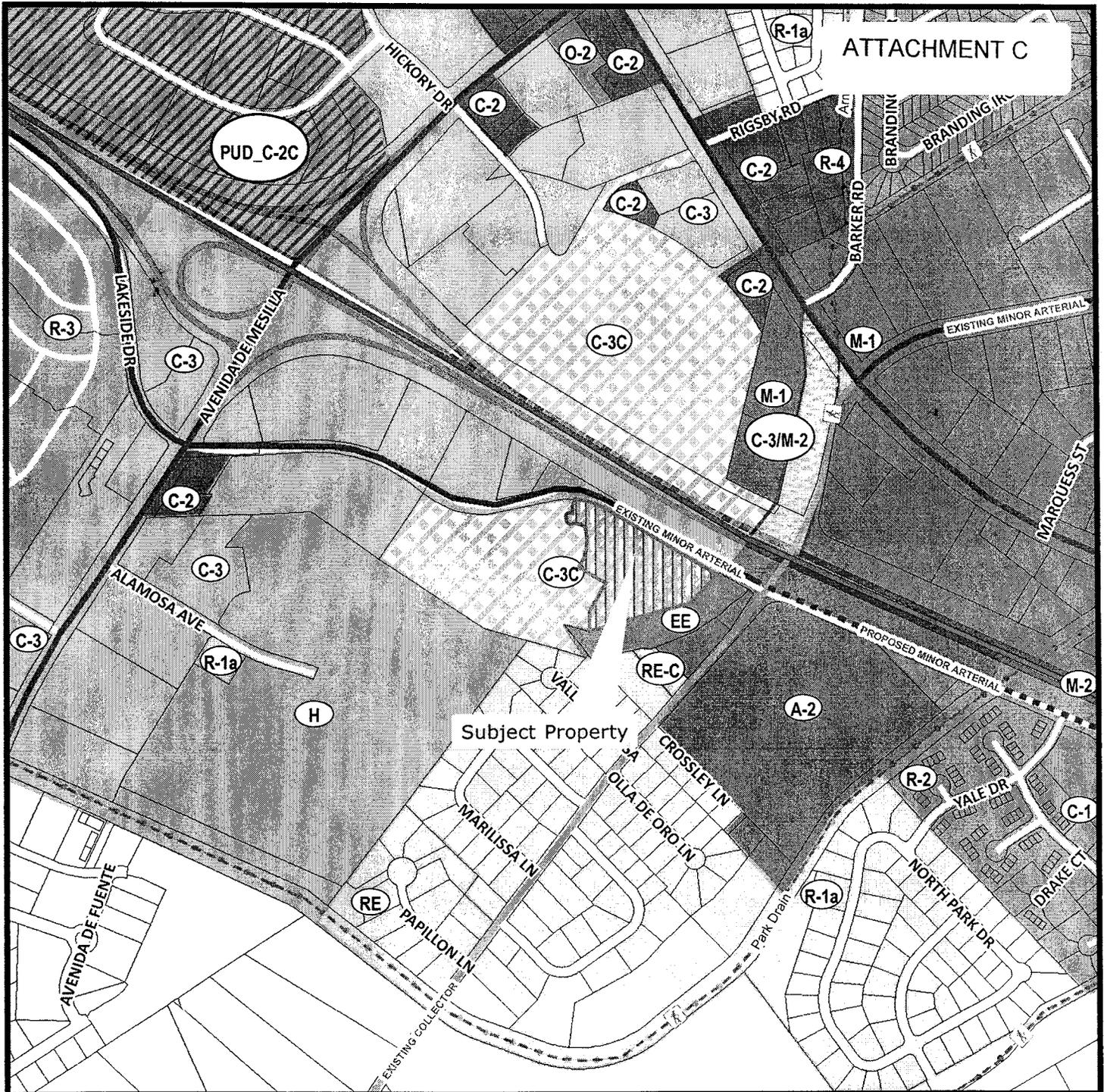
Rodriguez: Mr. Chairman, we will have to put that on your agenda for the October regular P & Z meeting and I apologize for them being omitted tonight.

X. ADJOURNMENT (6:53 pm)

Scholz: Okay. All right, then we are adjourned at...let's see I have six minutes to seven. Thank you very much, folks.

 11/22/11
Chairman Date

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	


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 Feet

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