

City of Las Cruces®

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Council Action and Executive Summary

Item # 16

Ordinance/Resolution# 2654

For Meeting of April 2, 2012
(Ordinance First Reading Date)

For Meeting of April 16, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 5.00 ± ACRES OF LAND WITH THE PARCEL IDENTIFICATION NUMBER 02-31275. SUBMITTED BY CHAD SELLS ON BEHALF OF RACI MANAGEMENT COMPANY, INC., PROPERTY OWNER (Z2850).

PURPOSE(S) OF ACTION:

Zone change to bring the vacant subject property into compliance with the 2001 Zoning Code, as amended.

COUNCIL DISTRICT: 6		
Drafter/Staff Contact: Adam Ochoa	Department/Section: Community Development	Phone: 528-3204
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for an undeveloped property located on the east side of Telshor Boulevard, 0.55 ± miles north of its intersection with Spruce Avenue, directly east of the Las Cruces Flood Control Dam. The subject property currently exceeds the one (1) acre maximum lot size requirement of the C-2 (Commercial Medium Intensity) zoning district. The proposed zone change to C-3 (Commercial High Intensity) will facilitate compliance for the subject property in lieu of subdivision with the 2001 Zoning Code, as amended. Any new development will be required to follow all C-3 zoning district development standards.

Although the property could be subdivided and comply with the 2001 Zoning Code, as amended, the existing zoning when approved was the highest intensity commercial zoning. The proposed zone change will maintain these same property rights and uses.

On February 28, 2012, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 6-0-0, (one Commissioner absent). No discussion took place for the proposed zone change at the public meeting. No comments were received from the general public.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A"- Site Plan.
3. Exhibit "B"- Findings.
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2850.
5. Attachment "B"- Draft minutes from the February 28, 2012 Planning and Zoning Commission meeting.
6. 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 approval. The subject property encompassing 5.00 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The zone change facilitates compliance with the 2001 Zoning Code, as amended.

2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the subject property.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

COUNCIL BILL NO. 12-032
ORDINANCE NO. 2654

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 5.00 ± ACRES OF LAND WITH THE PARCEL IDENTIFICATION NUMBER 02-31275. SUBMITTED BY CHAD SELLS ON BEHALF OF RACI MANAGEMENT COMPANY, INC., PROPERTY OWNER (Z2850).

The City Council is informed that:

WHEREAS, Raci Management Company, Inc., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located on the east side of Telshor Boulevard, 0.55 ± miles north of its intersection with Spruce Avenue; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on February 28, 2012, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity) for property located on the east side of Telshor Boulevard, 0.55 ± miles north of its intersection with Spruce Avenue.

(II)

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

(III)

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

FINDINGS

1. The subject property encompasses 5.00 ± acres.
2. The subject property currently exceeds the maximum one (1) acre lot size requirement of the C-2 zoning district of the 2001 Zoning Code, as amended. (2001 Zoning Code Article 4, Section 38-32D)
3. The subject property is located along Telshor Boulevard, a Principal Arterial roadway, where commercial high intensity uses are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3)
4. The proposed zone change would bring the subject property into compliance with the 2001 Zoning Code, as amended, with the maximum lot size requirement and allow the development of the subject property with commercial high intensity uses. (2001 Zoning Code Article 4, Section 38-32D)
5. On February 28, 2012 the Planning and Zoning Commission (P&Z), after conducting a public hearing, recommended approval for the proposed zone change by a vote of 6-0-0 (one Commissioner absent).



Planning & Zoning
Commission
Staff Report

Date: February 14, 2012

CASE # Z2850

PROJECT NAME: Telshor Boulevard Raci Property (Zone Change)

APPLICANT: Chad Sells

PROPERTY OWNER: Raci Management Company, Inc.

REQUEST: Zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)

PROPOSED USE: Unspecified commercial high intensity uses

SIZE: 5.00 ± acres

CURRENT ZONING: C-2 (Commercial Medium Intensity)

LOCATION: Located on the east side of Telshor Boulevard, 0.55 ± miles north of its intersection with Spruce Avenue; Parcel ID# 02-31275

COUNCIL DISTRICT: 6

PLANNING COMMISSION DATE: February 28, 2012

PREPARED BY: Adam Ochoa, Planner *AO*

STAFF RECOMMENDATION: Approval

PROPERTY INFORMATION

Address/Location: The east side of Telshor Boulevard, 0.55 ± miles north of its intersection with Spruce Avenue; Parcel ID# 02-31275.

Acreage: 5.00 ±

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Vacant/undeveloped

Proposed Zoning: C-3 (Commercial High Intensity)

Proposed Land Use: Unspecified commercial high intensity use

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

Table 1: Site Analysis

Existing Conditions	
Existing Square Footage of All Buildings	N/A
Current Lot Size	217,800 ± square feet
Current Lot Depth/Width	355 ± feet/ 650 ± feet
Existing Building Height	N/A
Development Standards for Proposed Zoning of C-3	
Minimum Lot Size	21,780 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70-feet/60-feet
Maximum Building Height	60-feet

PHASING

Is phasing proposed? Yes No

If yes, how many phases?

Timeframe for implementation:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Properties		Vacant/ Undeveloped	C-2	Commercial Medium Intensity
Surrounding Properties	North	Commercial Business Under Construction	C-3	Commercial High Intensity
	South	Vacant/ Undeveloped	C-3C	Commercial High Intensity-Conditional
	East	Las Cruces Flood Control Dam	A-1	Flood Control from the 1981 Zoning Code
	West	Interstate 25	N/A	N/A

HISTORY

Previous applications? Yes No

If yes, please explain:

Previous resolution numbers?

Previous uses if applicable:

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Objective 5, Policy 1.5.3

Analysis: The subject property currently encompasses 5.00 ± acres and is zoned C-2 (Commercial Medium Intensity). The C-2 zoning district has a one (1) acre maximum lot size requirement making the subject property non-conforming. The proposed zone change to C-3 (Commercial High Intensity) will facilitate compliance for the subject property with the 2001 Zoning Code, as amended, for the maximum lot size requirement. The subject property is located along Telshor Boulevard, a Principal Arterial roadway, where commercial high intensity uses are encouraged. The proposed C-3 zoning designation will also be compatible with the existing zoning of the surrounding area. Recommendation of approval. (See "Attachment 3" for a detailed analysis)

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: Unknown

Nearest Fire Station

Distance: 1.25 ± miles

Address: 2750 Northrise Drive

Adequate Capacity to Accommodate Proposal? Yes No

Additional Comments: Recommendation of approval.

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone X

Development Improvements

Drainage calculation needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Other drainage improvements needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Sidewalk extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Curb & gutter extension needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Paving extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: A drainage report shall be required at the time of development.
Recommendation of approval.

MPO:

Road classifications: Telshor Boulevard is designated as a Principal Arterial roadway.

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? 0.55 ± miles north of the subject property on the corner of Telshor Boulevard and Summit Court.

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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>

On-Street Parking Impacts

None Low Medium High N/A

Explain:

Future Intersection Improvements

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

Additional Comments: Recommendation of approval.

Water Availability and Capacity:

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

Additional Comments: Recommendation of approval.

Wastewater Availability and Capacity:

Wastewater service type: CLC On-lot septic
CLC wastewater service capable of handling increased usage? Yes No N/A

If no, is additional service available? Yes No

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

If yes, can potential problems be handled through development or building permit process?
Yes No

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

Additional Comments: Recommendation of approval.

Gas Utilities:

Gas Availability

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

Need BTUH requirements? Yes No N/A

Additional Comments: Recommendation of approval.

Public Schools:

Nearest Schools:

- 1. Elementary: Loma Heights Elementary School Distance (miles): 0.51 ± miles
Enrollment: 472
- 2. Middle School: Sierra Middle School Distance (miles): 0.67 ± miles
Enrollment: 870
- 3. High School: Mayfield High School Distance (miles): 2.60 ± miles
Enrollment: 2223

Adequate capacity to accommodate proposal? Yes No N/A

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

DESIGN STANDARDS ANALYSIS

Parking:

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

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

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

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

How many accessible? The number of required accessible parking spaces will also be determined at the time of 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: At the time of a building permit when the lot is developed, the subject property shall be required to comply with all parking requirements of the 2001 Zoning Code, as amended. Bicycle parking will be verified during the building permit process as well.

Landscaping and Buffering:

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

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

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

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

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

If no, what additional buffering will be required? The subject property shall not be required to provide any additional buffering to adjacent properties. Regular setback requirements shall be required to be met.

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
January 4, 2012	Application submitted to Development Services
January 6, 2012	Case sent out for review to all reviewing departments
January 13, 2012	All comments returned by all reviewing departments
January 19, 2012	Staff reviews and recommends approval of the zone change
February 8, 2012	Newspaper advertisement
February 17, 2012	Public notice letter mailed to neighboring property owners
February 17, 2012	Sign posted on property
February 28, 2012	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

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

The subject property currently encompasses 5.00 ± acres and is zoned C-2 (Commercial Medium Intensity). The C-2 zoning district has a maximum lot size requirement of one (1) acre. The subject property currently exceeds the maximum lot size requirement of the C-2 zoning district of the 2001 Zoning Code, as amended. The proposed zone change would bring the subject property into compliance with the 2001 Zoning Code, as amended, with the maximum lot size requirement.

STAFF RECOMMENDATION

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

FINDINGS FOR APPROVAL

1. The subject property encompasses 5.00 ± acres.
2. The subject property currently exceeds the maximum one (1) acre lot size requirement of the C-2 zoning district of the 2001 Zoning Code, as amended. (2001 Zoning Code Article 4, Section 38-32D)
3. The subject property is located along Telshor Boulevard, a Principal Arterial roadway, where commercial high intensity uses are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3)
4. The proposed zone change would bring the subject property into compliance with the 2001 Zoning Code, as amended, with the maximum lot size requirement and allow the development of the subject property with commercial high intensity uses. (2001 Zoning Code Article 4, Section 38-32D)

ALTERNATE FINDINGS FOR DENIAL

1. The proposed zone change is not required to utilize the subject property. The applicant has the option to subdivide the subject property into several lots that can meet all C-2 development standards prior to site development. (2001 Zoning Code Article 4, Section 38-32D)

DRC RECOMMENDATION

N/A

ATTACHMENTS

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

DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

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

Applicant Information

Name of Applicant: RACT MANAGEMENT CO., INC

Contact Person: DEAN RIGG

Contact Phone Number: 575-524-2885

Contact e-mail Address: DEAN@M-V-T.COM

Web site address (if applicable): _____

Proposal Information

Name of Proposal: _____

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

REZONE

Location of Subject Property N. TELSHOR

(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: 5 AC

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

VACANT C-2 LAND. CURRENTLY NON CONFORMING

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

VACANT C-3 LAND. THE ZONE CHANGE WILL BRING THE LOT INTO CONFORMANCE WITH THE CITY OF LAS CRUCES ZONING CODE.

Zoning of Subject Property: C-2

Proposed Zoning (If applicable): C-3

Proposed number of lots 1, to be developed in N/A phase (s).

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

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

U/K

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

U/K

Anticipated traffic generation _____ trips per day.

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

and will take N/A to complete.

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

ON LOT PONDING

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). _____

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

Is there existing landscaping on the property? NO

Are there existing buffers on the property? NO

Is there existing parking on the property? Yes ___ No X

If yes, is it paved? Yes ___ No ___

How many spaces? N/A How many accessible? N/A

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

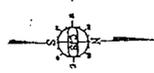
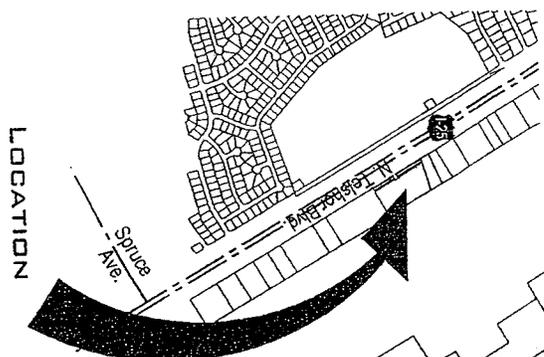
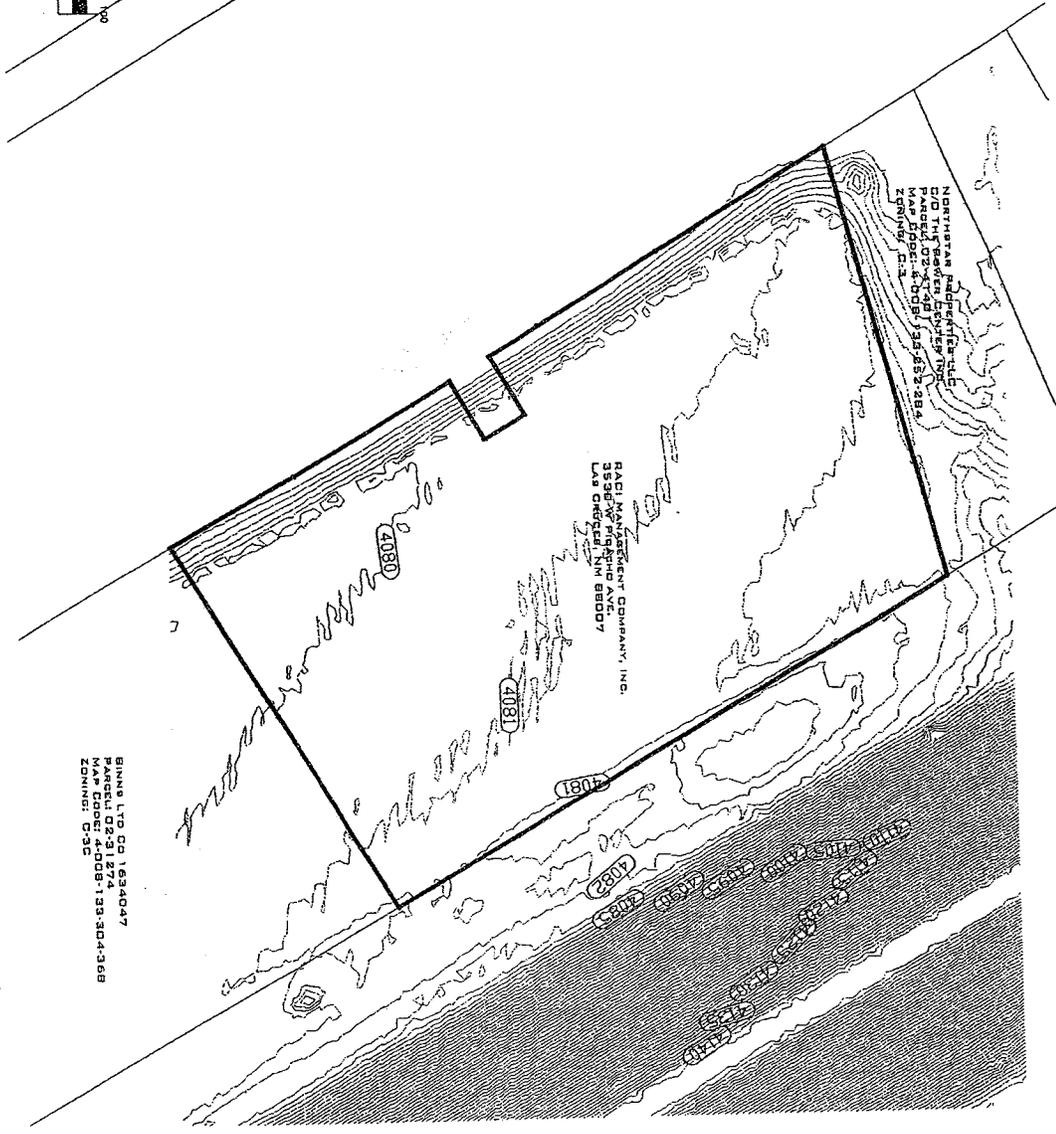
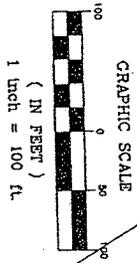
Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

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PARCEL: 02-31275
 MAP CODE: 4-008-133-271-316
 CURRENT ZONING: C-2 (NON-CONFORMING)
 REQUESTED ZONING: C-3



NON-CONFORMING ZONING

RMCI
 3530 W. Picacho Ave
 Las Cruces, NM 88007
 575.524.5883

LOT 5E7B
AMERIWEST SUBDIVISION #3
REPLAT #4

REVISIONS	
SUBMITAL # 1	12/30/2011

DATE: 01/29/11
 PP1

COMPREHENSIVE PLAN ELEMENTS & POLICIES

Land Use Element, Goal 1 (Land Uses)

Policy 1 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

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

ZONING: C-2 TO C-3

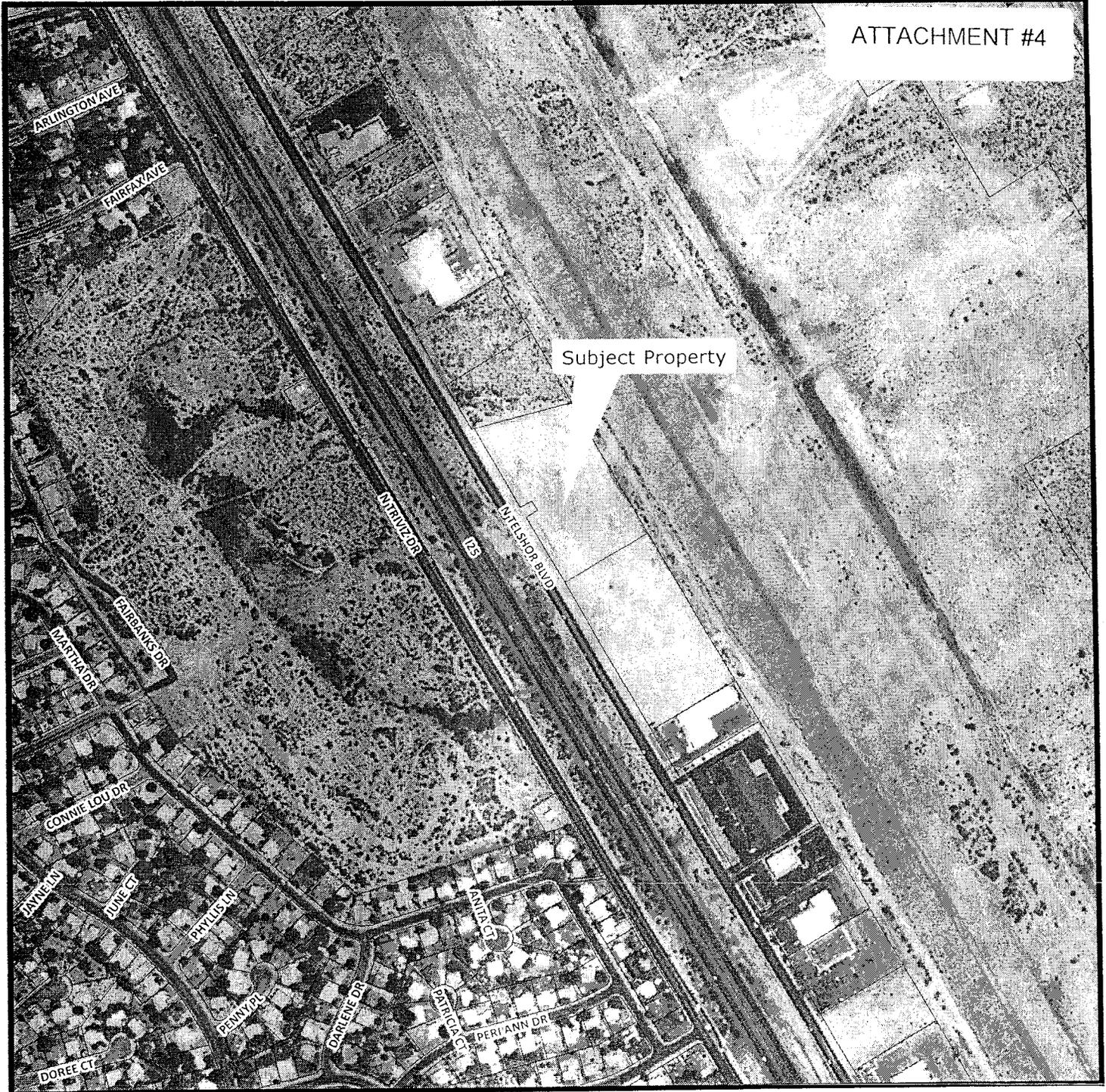
OWNER: RACI MANAMGEMENT COMPANY, INC.

Aerial View

PARCEL: 02-31275

DATE: 2/14/2012

ATTACHMENT #4



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

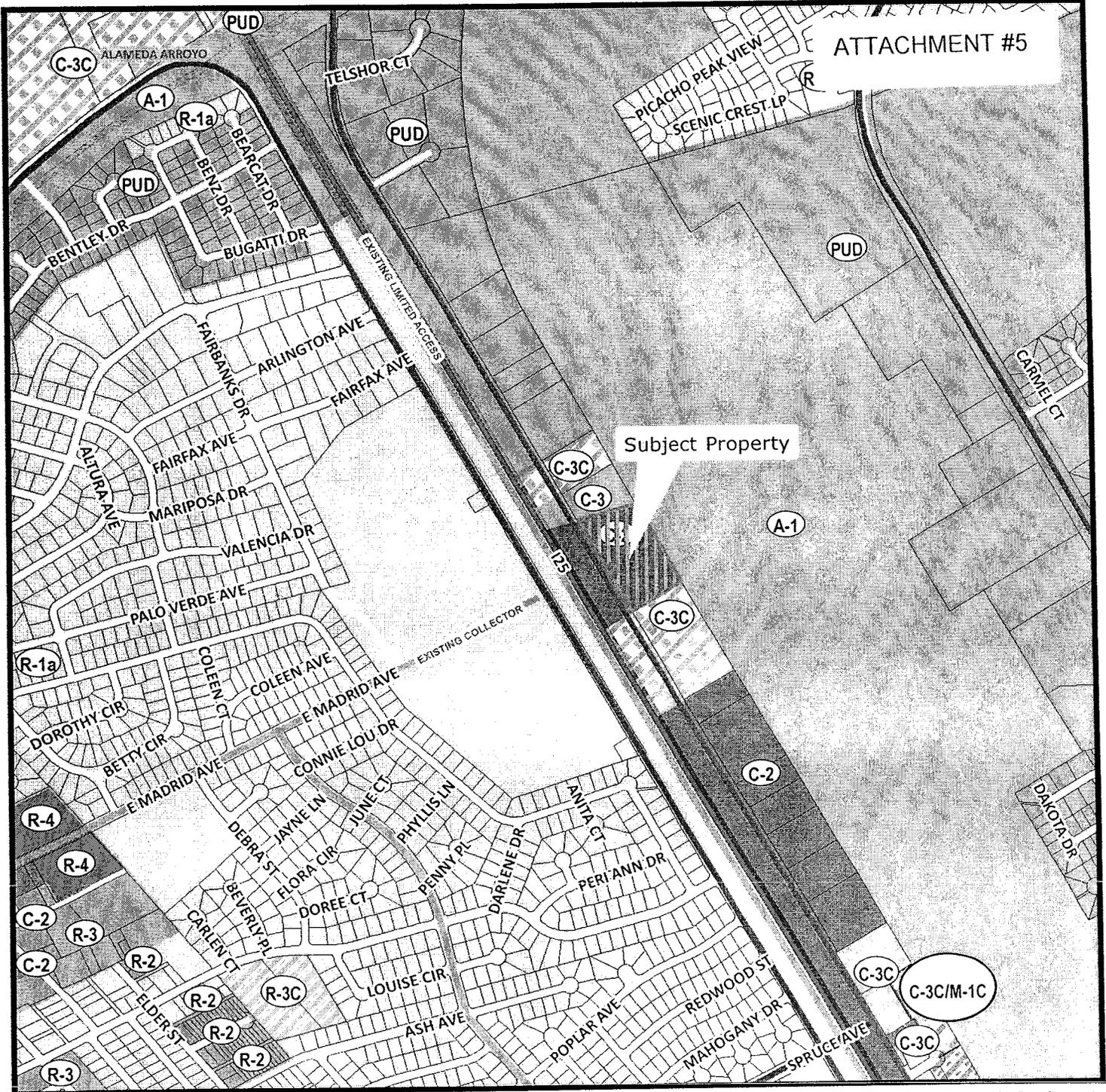
Legend

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



200 100 0 200 400 600
Feet

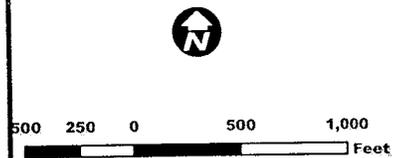
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222



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



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

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**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
February 28, 2012 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
William Stowe, Member
Ray Shipley, Member
Shawn Evans, Member

BOARD MEMBERS ABSENT:

Donald Bustos, Member

STAFF PRESENT:

Robert Kyle, Building and Development Administrator, CLC
Katherine Harrison-Rogers, Senior Planner, CLC
Adam Ochoa, Acting Senior Planner, CLC
Mark Dubbin, CLC Fire Department
Rusty Babington, CLC Legal Staff
Bonnie Ennis, Recording Secretary, CLC

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Planning and Zoning Commission for February 28th, 2012. My name is Charles Scholz. I'm the Chair of the Commission. In a moment I'll introduce the other members but before we do that our first item of business is always a Conflict of Interest Statement and it says: At opening of each meeting the chairperson shall ask if any member on the commission or City staff has any known conflict of interest with any item on the agenda. Gentlemen? No? Okay. Staff? No, everyone's shaking their head. That's very good. All right.

Before we begin with the approval of the minutes I want to introduce the people on the panel. On my far right is Commissioner Shipley. He's the Mayor's appointee. Next to him is Commissioner Crane. He represents Council District 4. He's also our Vice-Chair. Next to him is Commissioner Stowe, who represents District 1. Then is Commissioner Evans, who is District 5. On my immediate right is our Secretary, Commissioner Beard. He is council District 2. And I represent Council District 6.

1 **II. CONFLICT OF INTEREST**

2
3 *At the opening of each meeting, the chairperson shall ask if any member on the*
4 *Commission or City staff has any known conflict of interest with any item on the*
5 *agenda.*

6
7 **III. APPROVAL OF MINUTES**

8
9 1. January 24, 2012 Regular Meeting

10
11 Scholz: Gentleman, approval of minutes is the first item business. Are there any
12 additions or corrections to the minutes? Commissioner Shipley.

13
14 Shipley: On page 11, line number 32 after "There" it says, "There is plans..." It
15 should be "There are plans..."

16
17 Scholz: Okay.

18
19 Shipley: And on page 15...

20
21 Scholz: Yes?

22
23 Shipley: Let's see...it was...never mind. There's no correction there.

24
25 Scholz: Okay. Any other additions or corrections? All right, I'll entertain a motion
26 to approve the minutes as amended.

27
28 Shipley: Move to approve the minutes as amended.

29
30 Scholz: Is there a second?

31
32 Crane: Second.

33
34 Scholz: Okay. It's been moved by Shipley and seconded by Crane. All those in
35 favor say aye.

36
37 All: Aye

38
39 Scholz: Those opposed same sign. And any abstentions? All right. The minutes
40 are approved.

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42 **IV. POSTPONEMENTS – NONE**

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44 Scholz: Okay, there are no postponements, Mr. Ochoa?

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46 Ochoa: No, sir. None tonight.

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V. CONSENT AGENDA – NONE

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

- 1. **Case Z2850:** Application of Chad Sells on behalf of Raci Management Company, Inc. to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a 5.00 ± acre lot located on the east side of Telshor Boulevard, 0.55 ± miles north of its intersection with Spruce Avenue; Parcel ID# 02-31275. Proposed Use: Commercial High Intensity Uses; Council District 6. **APPROVED 6-0**

Scholz: Okay, and just one item on the Consent Agenda. For those of you who are new to our proceedings the Consent Agenda works this way: if no one from the public or the staff or the Commissioners objects to this item then we simply do a yes/no vote on it. Any objections, gentlemen? Staff? Anyone from the public want to speak to this? All right, then I'll move the approval of the consent agenda.

Beard: So moved.

Shiple: Second

Scholz: Beard moves and Shiple seconds. All those in favor say aye.

All: Aye.

Scholz: Those opposed same sign? And abstentions? All right, the Consent Agenda is approved. Thank you, gentlemen.

VI. OLD BUSINESS – NONE

Scholz: And we have no old business; is that right, Mr. Ochoa?

Ochoa: That is correct, sir.

VII. NEW BUSINESS

- 1. **Case SUP-12-01:** Application of Magueli Enriquez for a Special Use Permit (SUP) to allow day care services for up to twelve (12) children within a single-family home on a property encompassing 0.24 ± acres located on the east side of Camelot Drive, 390 ± feet south of its intersection with Hoagland Road; a.k.a. 1910 Camelot Drive; Parcel ID# 02-00818; Proposed Use: Group Child Care Home (7 to 12 children). Council District 4.

ZONING: C-2 TO C-3

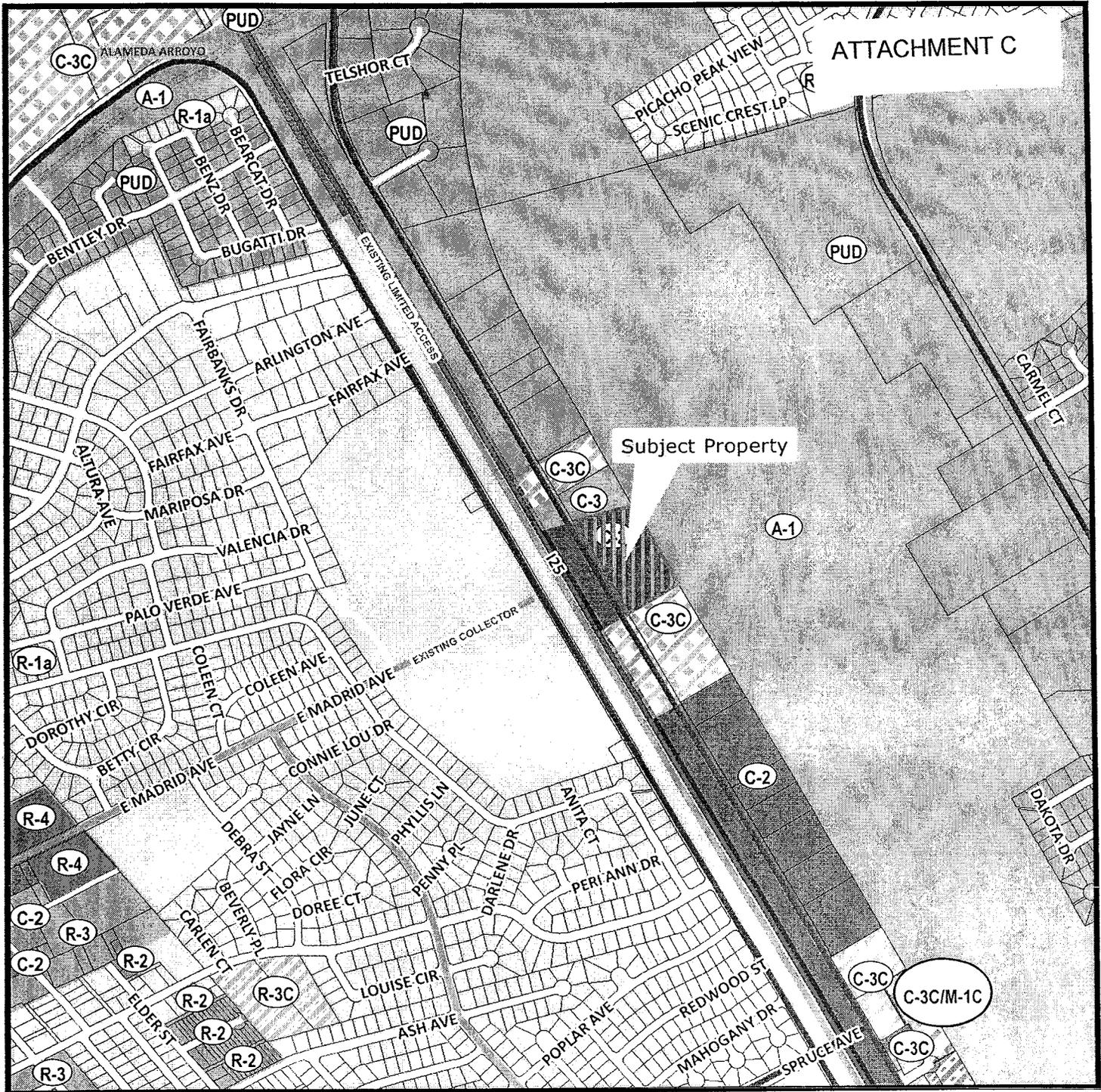
OWNER: RACI MANAGEMENT COMPANY, INC.

Zone Map

PARCEL: 02-31275

DATE: 2/14/2012

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
- ▬ Interstates_Highway
- EBID Water System
- ▬ PROPOSED LIMITED ACCESS
- ▬ PROPOSED CORRIDOR
- Railroad
- ▬ Rio Grande
- ▬ Arroyo



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