

# City of Las Cruces®

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## Council Action and Executive Summary

Item # 14 Ordinance/Resolution# 2655

For Meeting of June 4, 2012  
(Ordinance First Reading Date)

For Meeting of June 18, 2012  
(Adoption Date)

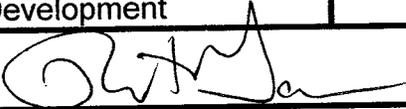
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO M-1/M-2C (INDUSTRIAL STANDARD-CONDITIONAL) ON 3.138 ± ACRES OF LAND LOCATED ON THE NORTH SIDE OF PICACHO AVENUE, 0.20 ± MILES WEST OF ITS INTERSECTION WITH VALLEY DRIVE; PARCEL ID# 02-01986. SUBMITTED BY MANUEL M. & LETICIA S. PINON, PROPERTY OWNERS (Z2851).

**PURPOSE(S) OF ACTION:**

Zone change to permit a heating and cooling business with metal fabrication capabilities.

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

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

The proposed zone change is for an underutilized property located at 1600 W. Picacho Avenue, directly south of the Mayfield Lateral. The subject property currently exceeds the one (1) acre maximum lot size requirement of the C-2 (Commercial Medium Intensity) zoning district making it a non-conforming property. The applicant is proposing to relocate and expand a heating and cooling business with metal fabrication capabilities (duct fabrication) on the subject property. The proposed zone change to M-1/M-2C (Industrial Standard-Conditional) will facilitate the applicant's proposed use and other limited commercial and industrial uses on the subject property including the two existing truck and trailer rental and towing service businesses. All new development will be required to follow all M-1/M-2 zoning district development standards.

The applicant has proposed a list of limited permitted uses on the subject property with the proposed zone change, as noted in Exhibit "C" of this CAES packet, to help limit any nuisances that may occur to nearby residential properties. The list of permitted uses mimic those uses permitted on the PUD (Planned Unit Development) zoned property adjacent to the west of the subject property for more compatibility with the area. The applicant has also agreed to install an opaque wall/fence around the subject property to screen the view of the surrounding area of the property.

On April 24, 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). Very limited comments about requiring the applicant to install an opaque wall or fence around the subject property were received from an adjacent property owner about the proposed zone change prior to the meeting. There was no public input at the P&Z meeting.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A"- Site Plan.
3. Exhibit "B"- Findings.
4. Exhibit "C"- List of Permitted Uses on the Subject Property.
5. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2851.
6. Attachment "B"- Draft minutes from the April 24, 2012 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"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
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
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**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 3.138 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to M-1/M-2C (Industrial Standard-Conditional). The zone change facilitates the use the subject property for limited commercial and industrial uses.
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. The subject property will remain non-conforming. Denial of the zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate. Council may choose to further limit the permitted uses on the subject property.
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. 12-033  
ORDINANCE NO. 2655

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO M-1/M-2C (INDUSTRIAL STANDARD-CONDITIONAL) ON 3.138 ± ACRES OF LAND LOCATED ON THE NORTH SIDE OF PICACHO AVENUE, 0.20 ± MILES WEST OF ITS INTERSECTION WITH VALLEY DRIVE; PARCEL ID# 02-01986. SUBMITTED BY MANUEL M. & LETICIA S. PINON, PROPERTY OWNERS (Z2851).**

The City Council is informed that:

**WHEREAS**, Manuel M and Leticia S Pinon, the property owners, have submitted a request for a zone change from C-2 (Commercial Medium Intensity) to M-1/M-2C (Industrial Standard-Conditional) for property located at 1600 W. Picacho Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on April 24, 2012, 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 M-1/M-2C (Industrial Standard-Conditional) for property located at 1600 W. Picacho Avenue.

**(II)**

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

- The applicant shall be required to install an opaque wall/fence around the perimeter of 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), 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: \_\_\_\_\_

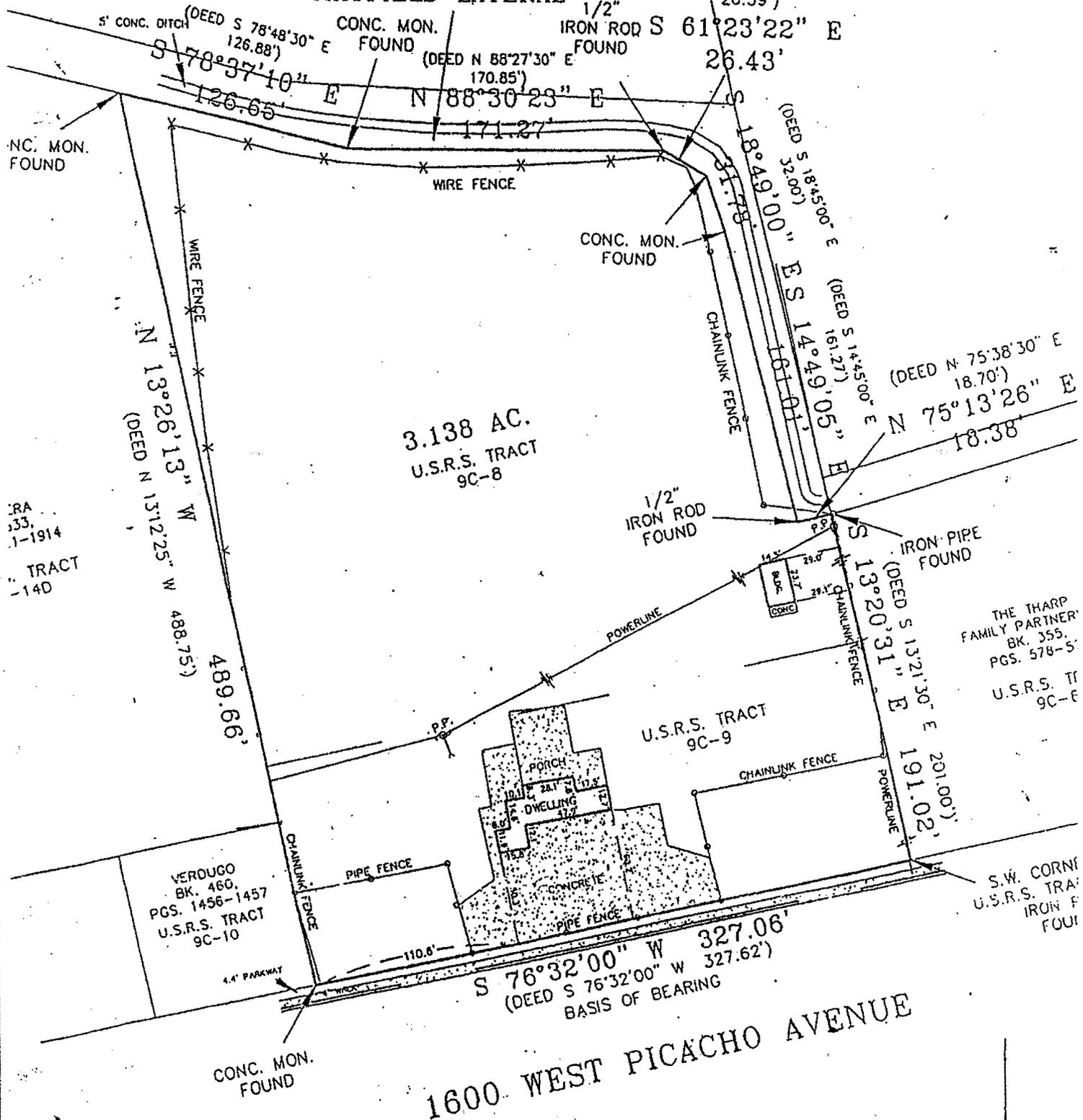
APPROVED AS TO FORM:

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

VOTE:

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

MAYFIELD LATERAL



NC. MON. FOUND

(DEED S 78°48'30" E 126.88')  
S 78°37'10" E 126.65'

CONC. MON. FOUND

(DEED N 88°27'30" E 170.85')  
N 88°30'23" E 171.27'

1/2" IRON ROD FOUND  
S 61°23'22" E 26.43'

(DEED S 61°39'00" E 26.59')

WIRE FENCE

CONC. MON. FOUND

(DEED S 18°45'00" E 32.00')  
S 18°49'00" E 31.78'

(DEED S 14°45'00" E 161.27')  
S 14°49'05" E 161.01'

(DEED N 75°38'30" E 18.70')  
N 75°13'26" E 18.38'

3.138 AC.  
U.S.S. TRACT 9C-8

1/2" IRON ROD FOUND

IRON PIPE FOUND

(DEED S 13°21'30" E 201.00')  
S 13°20'31" E 191.02'

THE THARP FAMILY PARTNER  
BK. 355, PGS. 578-5  
U.S.S. TRACT 9C-E

TRA 333, 1-1914  
TRACT 140

N 13°26'13" W 488.75'  
(DEED N 13°12'25" W 488.75')

489.66'

POWERLINE

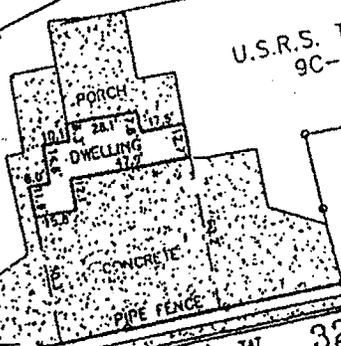
U.S.S. TRACT 9C-9

CHAINLINK FENCE

VERUGO BK. 460, PGS. 1456-1457  
U.S.S. TRACT 9C-10

CHAINLINK FENCE

PIPE FENCE



CONC. MON. FOUND

S 76°32'00" W 327.06'  
(DEED S 76°32'00" W 327.62')  
BASIS OF BEARING

S.W. CORNER  
U.S.S. TRACT  
IRON FOUND

1600 WEST PICACHO AVENUE

**FINDINGS**

1. The subject property encompasses 3.138 ± 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 IV, Section 38-32D)
3. The subject property meets the lot size and dimension requirements of the M-1/M-2 zoning district of the 2001 Zoning Code, as amended. (2001 Zoning Code Article IV, Section 38-32D)
4. The subject property is located along Picacho Avenue, a Principal Arterial roadway, where industrial standard uses are encouraged. (1999 Comprehensive Plan Goal 1, Policy 7.2 a)
5. The subject property is also located within the vicinity of the 17<sup>th</sup> Street area of the City of Las Cruces where industrial standard uses are encouraged. (1999 Comprehensive Plan Goal 1, Policy 7.2 e)
6. With the conditions and based on adjacent uses, the proposed zone change from C-2 to M-1/M-2C is compatible with the surrounding neighborhood and is in accordance with the City of Las Cruces 1999 Comprehensive Plan. (2001 Zoning Code Article II, Section 38-10 H 2)

**M1/M2 - INDUSTRIAL STANDARD:** The M1/M2 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. (Also see Staff Interpretation 07-002, at the end of Section 38-53 Conditional Uses.)

### 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 LAND USES (See Section 38-33C)

Brewery/Winery

#### INSTITUTIONAL LAND USES (See Section 38-33D)

Community Buildings - Uses  
Detention Facility  
Library/Museum

#### RECREATIONAL LAND USES (See Section 38-33E)

Racetrack, Mini, e.g., go-carts

#### RETAIL LAND USES (See Section 38-33G)

Auto/Truck Self-Service /Automated or Full Service Wash/Wax/Detailing  
Bar, Pub, Tavern (No Dancing)  
Café, Cafeteria, Coffee Shop, Restaurant, etc.  
Cleaning & Maid Services  
Clothing Store  
Convenience Store  
Delicatessen, Produce/Meat Market  
~~Gas Station~~  
Hardware Store  
Health Care Clinic (Non-Hospital)  
Laundry/Dry Cleaning Services  
Plant Nursery  
Radio/TV Studio/Station  
Small Item Repair  
Specialty Foods (Bakeries, Confectionaries, etc.)  
Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)  
~~Theater, Drive-in~~  
Tire Sales/Repair  
Upholstery Shop

#### 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  
Desktop Publishing & Graphic Design

Funeral Home  
 Hotel/Motel  
 Institutional Office: Public, Private, Educational, Religious, & Philanthropic  
 Insurance  
 Laboratory  
 Legal Services  
 Mailing & Stenographic Services  
 Medical/Dental Office  
 Motion Picture Production  
 Research Organization, Commercial or Noncommercial  
 Pharmacy  
 Tax Preparation

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

Distribution Centers  
~~Freighthouse/Truck Terminal~~  
 Interstate Warehouse/Bulk Storage Facilities  
 Ministorage Units  
 Parking Facilities, Commercial (Garages & Private Parking Lots)  
~~Railroad Terminal/Depot~~  
 Trucking Companies  
 Wholesale Trade, any product

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

~~Apparel & Other Textile Products—Clothing~~  
 Body Shops & Vehicle Painting Establishments  
 Brooms, Brushes & Vacuums  
~~Chemical & Allied Products~~  
 Construction Yard or Building(s), Temporary  
 Cottage Industry – Retail or Service  
~~Crematorium~~  
~~Dyeing & Engraving Establishments~~  
 Electrical & Electronic Equip. (Computers)  
~~Extraction of Raw Materials~~  
 Fabricated Metal Products  
 Food & Kindred Products  
 Furniture & Fixtures  
 Frozen Food Lockers  
 Glass Cutting & Finishing  
 Jewelry, Silverware, & Plated Ware  
 Laboratories (Medical/Dental/R & D)  
~~Leather Products~~  
~~Lumber & Wood Products (Sawmill/Planing)~~  
 Machinery, except electrical  
 Manufactured Buildings  
 Metal Work & Machine Shop  
 Motion Picture Production Theater/Studio  
 Musical Instruments  
 Needles, Pins & Fasteners  
 Paper & Allied Products  
~~Petroleum & Coal Products~~  
~~Primary Metal Industries~~  
 Printing & Publishing  
 Retail Trade, Business Service Establishment or Offices, any type  
 Rubber & Plastic Products  
 Signs & Advertising  
 Stone, Glass & Clay Products  
 Storage Boxes

Textile Mill Products (Carpets, Rugs, Hosiery, Threads)  
 Tire Manufactures & Recyclers  
 Tobacco Manufacturing  
 Toys, & Sporting Goods, Dolls, Games  
 Transportation Equipment  
 Upholstery Shop (Vehicle & Furniture)  
 Writing Utensils (pens/pencils/inked ribbons)

**UTILITY LAND USES (See Section 38-33J)**

Recycling Centers

**LAND USES ALLOWED WITH CONDITIONS**

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

Detached, Site-Built, Single Family Dwelling Unit  
 Dwelling Use (Non primary)  
 Manufactured Dwelling Unit

**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)**

Child Care or Preschool  
 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  
 Swimming Pool, Commercial or Public

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

Auto/Truck Repair & Service  
 Large Equipment Repair & Service (Non-Vehicular)  
 Large Equipment Repair & Service (Vehicular)  
 Petroleum/Propane Sales

**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 of dismantled or wrecked vehicles & products~~  
 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  
 Contractor's Yard (Building/Electrical/Mechanical/Roads/Utilities)  
 Cottage Industry – Retail or Service  
 Retail Trade, Business Service Establishment or Offices, any type

Vehicle Repair (Auto/Truck/Heavy Equipment/Motorcycle/Boat/Recreational Vehicle)  
Wrecker Services

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

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—Outdoor~~  
~~Firing Range—Outdoor~~  
~~Racetrack, Auto/Truck~~  
Sports Complex

RETAIL LAND USES (See Section 38-33G and Section 38-54)  
Adult Book/Video Store & Entertainment Establishment

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~~  
~~Waste Transfer Stations/Sewage Treatment Plants~~

M-3 - INDUSTRIAL HEAVY: The M-3 district is intended to provide for industrial uses that consist of high-intensity industrial and manufacturing uses having physical and operational characteristics that may be offensive and/or hazardous to the surrounding community.

LAND USES ALLOWED

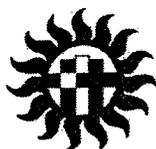
RESIDENTIAL-RELATED LAND USES (See Section 38-33B)  
Accessory Uses and Structures  
Greenhouse (Non-Commercial), Garden Shed or Tool Shed  
Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C)  
Brewery/Winery

INSTITUTIONAL LAND USES (See Section 38-33D)  
Community Buildings - Uses  
Detention Facility

RECREATIONAL LAND USES (See Section 38-33E)  
Racetrack, Mini, e.g., go-carts

RETAIL LAND USES (See Section 38-33G)  
Auto/Truck Self-Service /Automated or Full Service Wash/Detailing/Detailing



# City of Las Cruces®

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## Planning & Zoning Commission Staff Report

Date: April 10, 2012

**CASE #** Z2851

**PROJECT NAME:** 1600 W. Picacho Avenue (Zone Change)

**APPLICANT:** Manuel M. & Leticia S. Pinon

**PROPERTY OWNER:** Manuel M. & Leticia S. Pinon

**REQUEST:** Zone change from C-2 (Commercial Medium Intensity) to M-1/M-2C (Industrial Standard-Conditional)

**PROPOSED USE:** Unspecified limited commercial and industrial uses

**SIZE:** 3.138 ± acres

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

**LOCATION:** Located on the north side of Picacho Avenue, 0.20 ± miles west of its intersection with Valley Drive; 1600 W. Picacho Avenue; Parcel ID# 02-01986

**COUNCIL DISTRICT:** 4

**PLANNING COMMISSION DATE:** April 24, 2012

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

**STAFF RECOMMENDATION:** Approval with conditions

**PROPERTY INFORMATION**

Address/Location: The north side of Picacho Avenue, 0.20 ± miles west of its intersection with Valley Drive; 1600 W. Picacho Avenue; Parcel ID# 02-01986.

Acreage: 3.138 ±

Current Zoning: C-2 (Commercial Medium Intensity)

Current Land Use: Truck and trailer rentals & towing services

Proposed Zoning: M-1/M-2C (Industrial Standard-Conditional)

Proposed Land Use: Unspecified commercial and industrial 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	1,800 + square feet
Current Lot Size	136,691 ± square feet
Current Lot Depth/Width	489 ± feet/ 327 ± feet
Existing Building Height	14 + feet
Development Standards for Proposed Zoning of M-1/M-2C	
Minimum Lot Size	15,000 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		Commercial	C-2	Commercial Medium Intensity
Surrounding Properties	North	Residential	C-2	Commercial Medium Intensity
	South	Commercial/Industrial	C-2/ M-1/M-2	Commercial Medium Intensity/Industrial Standard
	East	Commercial/Industrial/Residential	C-2/R-4	Commercial Medium Intensity/ Multi-Dwelling High Density & Limited Retail and Office
	West	Commercial/Industrial	C-2 /PUD	Commercial Medium Intensity/Planned Unit Development

### HISTORY

Previous applications? Yes  No

If yes, please explain:

Previous resolution numbers?

Previous uses if applicable:

### COMPREHENSIVE PLAN

#### Elements & Policies

##### Land Use Element

1. Goal 1, Policy 7.2
2. Goal 1, Policy 7.4
3. Goal 1, Policy 7.5
4. Goal 1, Policy 7.6
5. Goal 1, Policy 7.7
6. Goal 1, Policy 7.8

Analysis: The subject property currently encompasses 3.138 ± 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 M-1/M-2C (Industrial Standard-Conditional) will facilitate the use of the subject property for limited commercial and industrial uses. The applicant has worked with staff to limit the proposed uses permitted on the subject property (see "Attachment 4") and the applicant has also agreed to screen the rear and side property lines of the subject property with an opaque wall/fence. The subject property is located along Picacho Avenue, a Principal Arterial roadway, where industrial standard uses are encouraged. The subject property is also located within the vicinity of the 17<sup>th</sup> Street area of the City of Las Cruces where industrial standard uses are also encouraged. The

opaque screen proposed by the applicant will also help screen any storage on the subject property from most horizontal views as encouraged by the 1999 Comprehensive Plan. 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"/>	
Fire flow/Hydrant Accessibility		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Type of building occupancy: Unknown

Nearest Fire Station

Distance: 2 ± 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 AE

Development Improvements

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

Additional Comments: Recommendation of approval with conditions. The subject property is located within a Special Flood Hazard Area. Any improvements will require the property owner to comply with FEMA's letter of map change process. A flood plain study may be required.

MPO:

Road classifications: Picacho Avenue is designated as a Principal Arterial roadway.

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? There is a bus stop directly in front of the subject property along Picacho Avenue.

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:  
If the property owner does not have an existing access permit, the property owner will be required to obtain one from NMDOT.

Are road improvements necessary? Yes  No  N/A

If yes, please explain:

Was a TIA required? Yes  No  N/A

If yes, summarize the findings:

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

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

Site Accessibility

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

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: Mac Arthur Elementary School | Distance (miles): 0.36 ± miles |
| Enrollment: 460                             |                                |
| 2. Middle School: Picacho Middle School     | Distance (miles): 0.67 ± miles |
| Enrollment: 819                             |                                |
| 3. High School: Mayfield High School        | Distance (miles): 0.71 ± miles |
| Enrollment: 2161                            |                                |

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? 4      How many are accessible? 1

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

If yes, how many parking spaces will be required?

How many accessible?

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

If yes, describe:

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

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

Landscaping and Buffering:

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

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

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

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

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

If no, what additional buffering will be required? The subject property shall be required to provide either a 40-foot semi-opaque bufferyard or a 20-foot opaque bufferyard from the adjacent residential properties to the north and northeast of the subject property. Regular setback requirements shall be required to be met at all other sides of the subject 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	The Mayfield Lateral runs adjacent to the subject property along the northern and eastern property lines. The lateral is outside of the subject property and shall not be affected by the proposal.
Medians/ Parkways Landscaping	No	N/A

**Table 4: Project Chronology**

Date	Action
March 1, 2012	Application submitted to Development Services
March 2, 2012	Case sent out for review to all reviewing departments
March 9, 2012	All comments returned by all reviewing departments
March 15, 2012	Staff reviews and recommends approval of the zone change
April 4, 2012	Newspaper advertisement
April 12, 2012	Public notice letter mailed to neighboring property owners
April 13, 2012	Sign posted on property
April 24, 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 3.138 ± 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 M-1/M-2C (Industrial Standard-Conditional) will facilitate the use of the subject property for limited commercial and industrial uses. Staff has worked with the applicant to limit the permitted uses on the subject property with the proposed zone change to help limit any nuisances that may occur to surrounding residential properties. The list of permitted uses mimic those uses permitted on the PUD (Planned Unit Development) zoned property adjacent to the west of the subject property for more compatibility (see Attachment 4) with the area. The applicant has also agreed to install an opaque wall/fence around the subject property to screen the view of the surrounding area. The proposed zone change is comparable with the surrounding area along Picacho Avenue and the nearby 17<sup>th</sup> Street area.

## DRC RECOMMENDATION

N/A

## STAFF RECOMMENDATION

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

- The uses permitted on the subject property shall be limited to those listed on Attachment 4.
- The applicant shall install an opaque wall/fence around the perimeter of the subject property.

## FINDINGS FOR APPROVAL

1. The subject property encompasses 3.138 ± 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 IV, Section 38-32D)
3. The subject property meets the lot size and dimension requirements of the M-1/M-2 zoning district of the 2001 Zoning Code, as amended. (2001 Zoning Code Article IV, Section 38-32D)
4. The subject property is located along Picacho Avenue, a Principal Arterial roadway, where industrial standard uses are encouraged. (1999 Comprehensive Plan Goal 1, Policy 7.2 a)
5. The subject property is also located within the vicinity of the 17<sup>th</sup> Street area of the City of Las Cruces where industrial standard uses are encouraged. (1999 Comprehensive Plan Goal 1, Policy 7.2 e)
6. With the conditions listed above and based on adjacent uses, the proposed zone change from C-2 to M-1/M-2C is compatible with the surrounding neighborhood and is in accordance with the City of Las Cruces 1999 Comprehensive Plan. (2001 Zoning Code Article II, Section 38-10 H 2)

**ALTERNATE FINDINGS FOR DENIAL**

In the event that the Planning & Zoning Commission concludes that the zone change is not warranted, staff proposes the following finding for denial.

1. The proposed M-1/M-2C (Industrial Standard-Conditional) zoning designation is not required for the subject property. A zone change to C-3 (Commercial High Intensity) shall bring the subject property into compliance with the 2001 Zoning Code and is a more comparable zoning designation with the existing C-2 (Commercial Medium intensity) zoning designation. (2001 Zoning Code Article 4, Section 38-32D)

**ATTACHMENTS**

1. Development Statement
2. Site Plan
3. Comprehensive Plan Elements and Policies
4. List of Permitted Uses
5. Aerial Map
6. 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 InformationName of Applicant: MANUEL M. PINON

Contact Person: \_\_\_\_\_

Contact Phone Number: 575 523 7284 w. 575 642 3214 c.Contact e-mail Address: metaltech@guestoffice.net

Web site address (if applicable): \_\_\_\_\_

Proposal InformationName of Proposal: ZONE CHANGE.

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

FROM C-2 TO M-1Location of Subject Property 1600 W. PICACHO

(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: 3.138 AC.

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

ONE BLDG. APPROX 1800 FT. AND IS BEEN LEASED TO A TOWING COMPANY & U-HAUL RENTAL.

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

WE HAVE PLANS TO RE-LOCATE OUR BUSSINES, METALTECH INC. HEATING & COOLING, AND FOR FUTURE DEVELOPMENT OF THE REMAINING OF 3 AC PARCEL.Zoning of Subject Property: C-2Proposed Zoning (If applicable): M-1Proposed number of lots 1, to be developed in \_\_\_\_\_ phase (s).

Proposed square footage range of homes to be built from \_\_\_\_\_ to \_\_\_\_\_

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

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

M-F- 8 to 5 PM

Anticipated traffic generation \_\_\_\_\_ trips per day.

Anticipated development schedule: work will commence on or about \_\_\_\_\_ and will take \_\_\_\_\_ to complete.

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

ON LOT PONDING. (EXISTING)

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).

FULL SET OF PLANS & DESIGN BY NAVA-TECH ARE NOW PENDING UPON APPROVAL OF CLL ZONE CHANGE.

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? \_\_\_\_\_

Are there existing buffers on the property? \_\_\_\_\_

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

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

How many spaces? \_\_\_\_\_ How many accessible? \_\_\_\_\_

**Attachments**

Please attach the following: (\* indicates optional item)

Location map

Subdivision Plat (If applicable)

Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information



## **Comprehensive Plan Elements and Policies**

The following polices from the 1999 Comprehensive Plan are relevant to the current proposal:

### **Land Use Element, Goal 1 (Land Uses)**

- Policy 7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:
- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
  - b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.
  - c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.
  - d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.
  - e. The City shall encourage the development of standard industrial uses and parks in the 17th Street, West Mesa Industrial Park, and East Mesa areas.
- Policy 7.4 Access to industrial and manufacturing areas through residential neighborhoods shall be prohibited.
- Policy 7.5 Sufficient on-site parking shall be required for all industrial uses.
- Policy 7.6 All outdoor storage shall be screened from view in all horizontal directions. Organic landscaping shall be among materials used for screening purposes.

**Policy 7.7** The City shall encourage focusing development of light, standard, and heavy industrial uses in areas with existing compatible industrial zoning where these areas comply with industrial land use policies.

**Policy 7.8** The Comprehensive Plan Environmental Element will establish environmental impact standards for light, standard, and heavy industrial uses.

**M1/M2 - INDUSTRIAL STANDARD:** The M1/M2 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. (Also see Staff Interpretation 07-002, at the end of Section 38-53 Conditional Uses.)

### 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 LAND USES (See Section 38-33C)

Brewery/Winery

#### INSTITUTIONAL LAND USES (See Section 38-33D)

Community Buildings - Uses  
Detention Facility  
Library/Museum

#### RECREATIONAL LAND USES (See Section 38-33E)

Racetrack, Mini, e.g., go-carts

#### RETAIL LAND USES (See Section 38-33G)

Auto/Truck Self-Service /Automated or Full Service Wash/Wax/Detailing  
Bar, Pub, Tavern (No Dancing)  
Café, Cafeteria, Coffee Shop, Restaurant, etc.  
Cleaning & Maid Services  
Clothing Store  
Convenience Store  
Delicatessen, Produce/Meat Market  
~~Gas Station~~  
Hardware Store  
Health Care Clinic (Non-Hospital)  
Laundry/Dry Cleaning Services  
Plant Nursery  
Radio/TV Studio/Station  
Small Item Repair  
Specialty Foods (Bakeries, Confectionaries, etc.)  
Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)  
~~Theater, Drive-in~~  
Tire Sales/Repair  
Upholstery Shop

#### 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  
Desktop Publishing & Graphic Design

Funeral Home  
 Hotel/Motel  
 Institutional Office: Public, Private, Educational, Religious, & Philanthropic  
 Insurance  
 Laboratory  
 Legal Services  
 Mailing & Stenographic Services  
 Medical/Dental Office  
 Motion Picture Production  
 Research Organization, Commercial or Noncommercial  
 Pharmacy  
 Tax Preparation

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

Distribution Centers  
~~Freighthouse/Truck Terminal~~  
 Interstate Warehouse/Bulk Storage Facilities  
 Ministorage Units  
 Parking Facilities, Commercial (Garages & Private Parking Lots)  
~~Railroad Terminal/Depot~~  
 Trucking Companies  
 Wholesale Trade, any product

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

~~Apparel & Other Textile Products—Clothing~~  
 Body Shops & Vehicle Painting Establishments  
 Brooms, Brushes & Vacuums  
~~Chemical & Allied Products~~  
 Construction Yard or Building(s), Temporary  
 Cottage Industry – Retail or Service  
~~Crematorium~~  
~~Dyeing & Engraving Establishments~~  
 Electrical & Electronic Equip. (Computers)  
~~Extraction of Raw Materials~~  
 Fabricated Metal Products  
 Food & Kindred Products  
 Furniture & Fixtures  
 Frozen Food Lockers  
 Glass Cutting & Finishing  
 Jewelry, Silverware, & Plated Ware  
 Laboratories (Medical/Dental/R & D)  
~~Leather Products~~  
~~Lumber & Wood Products (Sawmill/Planing)~~  
 Machinery, except electrical  
 Manufactured Buildings  
 Metal Work & Machine Shop  
 Motion Picture Production Theater/Studio  
 Musical Instruments  
 Needles, Pins & Fasteners  
 Paper & Allied Products  
~~Petroleum & Coal Products~~  
~~Primary Metal Industries~~  
 Printing & Publishing  
 Retail Trade, Business Service Establishment or Offices, any type  
 Rubber & Plastic Products  
 Signs & Advertising  
 Stone, Glass & Clay Products  
 Storage Boxes

Textile Mill Products (Carpets, Rugs, Hosiery, Threads)  
 Tire Manufactures & Recyclers  
 Tobacco Manufacturing  
 Toys, & Sporting Goods, Dolls, Games  
 Transportation Equipment  
 Upholstery Shop (Vehicle & Furniture)  
 Writing Utensils (pens/pencils/inked ribbons)

UTILITY LAND USES (See Section 38-33J)

Recycling Centers

LAND USES ALLOWED WITH CONDITIONS

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

Detached, Site-Built, Single Family Dwelling Unit  
 Dwelling Use (Non primary)  
 Manufactured Dwelling Unit

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)

Child Care or Preschool  
 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  
 Swimming Pool, Commercial or Public

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

Auto/Truck Repair & Service  
 Large Equipment Repair & Service (Non-Vehicular)  
 Large Equipment Repair & Service (Vehicular)  
 Petroleum/Propane Sales

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 of dismantled or wrecked vehicles & products~~  
 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  
 Contractor's Yard (Building/Electrical/Mechanical/Roads/Utilities)  
 Cottage Industry – Retail or Service  
 Retail Trade, Business Service Establishment or Offices, any type

Vehicle Repair (Auto/Truck/Heavy Equipment/Motorcycle/Boat/Recreational Vehicle)  
Wrecker Services

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

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—Outdoor~~  
~~Firing Range—Outdoor~~  
~~Racetrack, Auto/Truck~~  
Sports Complex

RETAIL LAND USES (See Section 38-33G and Section 38-54)

~~Adult Book/Video Store & Entertainment Establishment~~

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~~  
~~Waste Transfer Stations/Sewage Treatment Plants~~

~~M-3 - INDUSTRIAL HEAVY: The M-3 district is intended to provide for industrial uses that consist of high-intensity industrial and manufacturing uses having physical and operational characteristics that may be offensive and/or hazardous to the surrounding community.~~

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 LAND USES (See Section 38-33C)

Brewery/Winery

INSTITUTIONAL LAND USES (See Section 38-33D)

Community Buildings - Uses  
Detention Facility

RECREATIONAL LAND USES (See Section 38-33E)

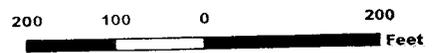
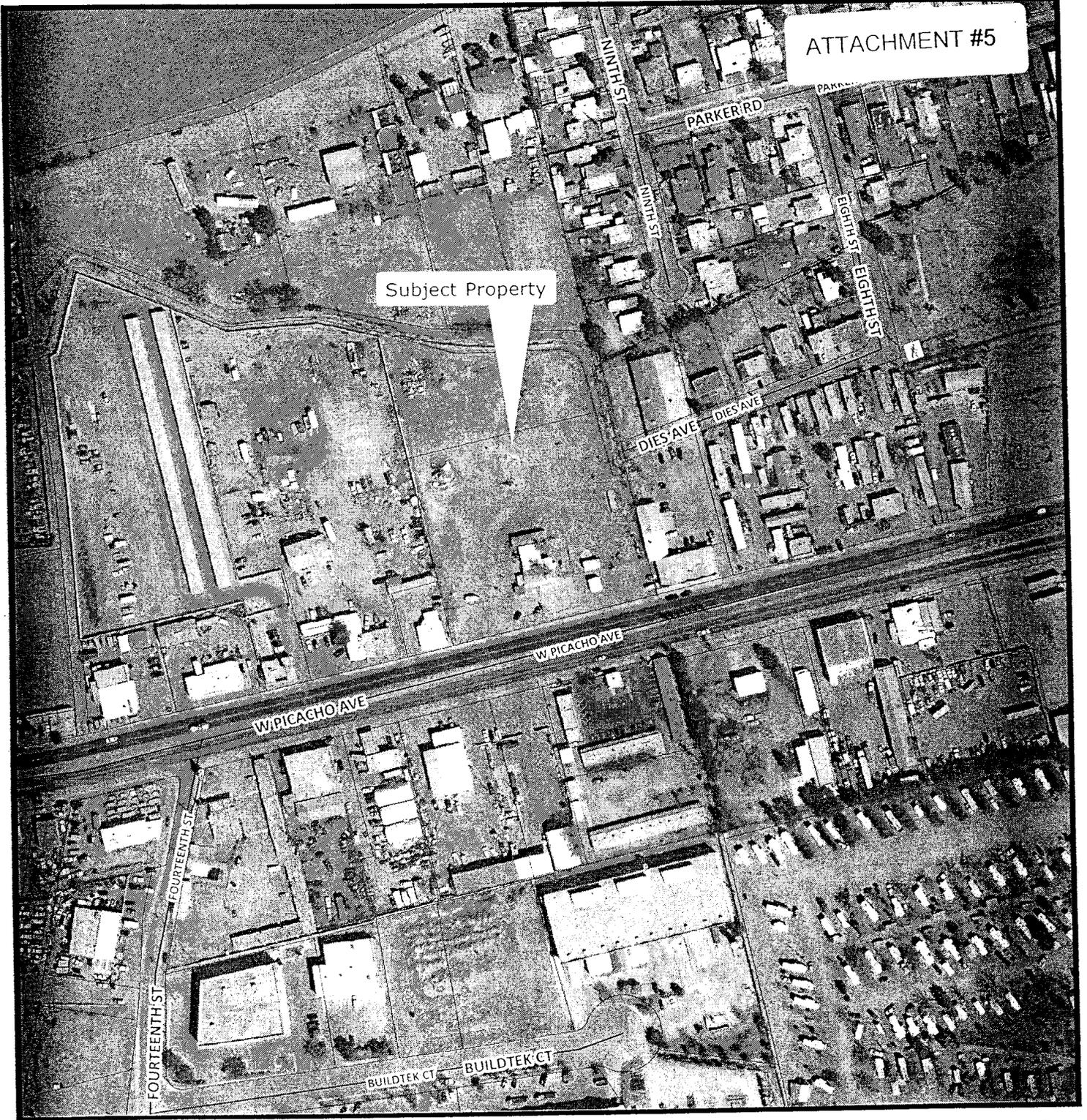
Racetrack, Mini, e.g., go-carts

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Self-Service /Automated or Full Service Wash/Detailing/Detailing

ATTACHMENT #5

Subject Property



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

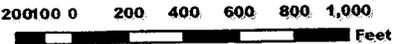
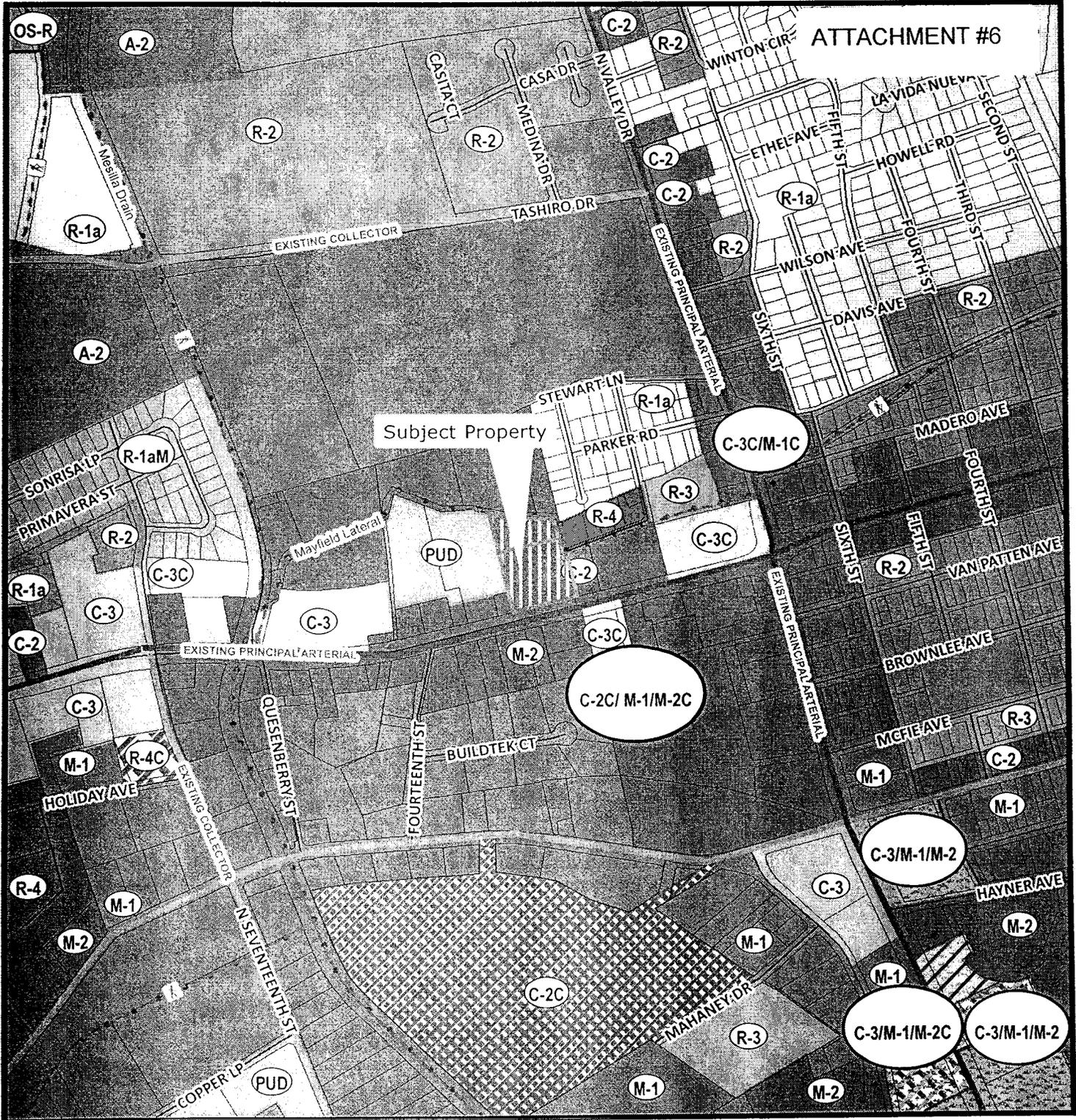
**ZONING: C-2 TO M-1/M-2C**  
**OWNER: MANUEL M & LETICIA S PINON**

# Location Vicinity Map

342

**PARCEL: 02-01986**  
**DATE: 04/16/2012**

ATTACHMENT #6



**Legend**

Interstates\_Highway  
 EBID Water System  
 Railroad

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.*



**City of Las Cruces®**  
PEOPLE HELPING PEOPLE

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
April 24, 2012 at 6:00 p.m.**

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**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 meeting for Tuesday, April 24, 2012. My name is Charlie Scholz. I am the Chair of the Commission. Before we begin our work I'm going to introduce the Members of the Commission. On my far right is Commissioner Shipley, who represents District 6. Next to him Commissioner Crane and he represents District 4. Commissioner Stowe, next to him, represents District 1; and then next to him is Commissioner Evans he's District 5. Right next to me is Commissioner Beard and he's District 2; and I am the Mayor's appointee to the Commission

**II. CONFLICT OF INTEREST**

Scholz: We're supposed to read a Conflict of Interest Statement or ask if there's any conflict of interest at the beginning of every meeting. So, let me ask

- 1  
2 Scholz: Commissioner Crane.  
3  
4 Crane: Aye, findings, discussion and site visit.  
5  
6 Scholz: Commissioner Stowe.  
7  
8 Stowe: Aye, findings, discussion and site visit.  
9  
10 Scholz: Commissioner Evans.  
11  
12 Evans: Aye, findings, discussion.  
13  
14 Scholz: Commissioner Beard.  
15  
16 Beard: Aye, findings, discussion and site visit.  
17  
18 Scholz: And the Chair votes aye, findings, discussion and site visit. So it passes  
19 6-0.

- 20  
21 **2. Case Z2851:** Application of Manuel M. & Leticia S. Piñon to rezone from C-2  
22 (Commercial Medium Intensity) to M-1/M-2C (Industrial Standard-Conditional)  
23 on a 3.138 ± acre lot located on the north side of Picacho Avenue, 0.20 ±  
24 miles west of its intersection with Valley Drive, 1600 W. Picacho Avenue;  
25 Parcel ID# 02-01986. Proposed Use. Limited Commercial and Industrial  
26 Uses; Council District 4.  
27

28 Scholz: All right, Mr. Ochoa, our next item is obviously a case Z2851.

29  
30 Ochoa: Yes, sir. The last case tonight: it's a request for a zone change from a C-  
31 2 to M-1/M-2C on the subject property located here on the vicinity map on  
32 the light blue hashing here, located north on Picacho Avenue, directly  
33 west of North Valley Drive and east of what would be the Seventeenth  
34 Street area, which by one of my other slides you'll be able to see that  
35 Seventeenth Street on there.

36 As I said, the subject property is located on the north side of  
37 Picacho Avenue, approximately 0.2 miles west of its intersection with  
38 Valley Drive. The subject property has the current address of 1600 West  
39 Picacho Avenue. The subject property is currently zoned C-2,  
40 Commercial Medium Intensity, and encompasses 3.138 acres. So, as we  
41 speak now the current zoning on the property is out of compliance with the  
42 2001 Zoning Code since the subject property is 3.138 acres. It exceeds  
43 the maximum lot size for the C-2 Zoning District of 1.0 acre. Currently the  
44 subject property is being used for truck and trailer rentals and a towing  
45 service.

1 This zone change request is for the M-1/M-2C, Industrial Standard-  
2 Conditional, zoning designation for the subject property, which will  
3 facilitate the use of the subject property for limited commercial and  
4 industrial uses. The applicant is seeing the zone change to: 1) try to bring  
5 it into compliance and, 2) to facilitate the future relocation and expansion  
6 of his business onto that property, which is a heating and cooling business  
7 at which he will actually be manufacturing his own ducts and so forth on  
8 the subject property, which is why he is requesting that M-1/M2 zoning  
9 designation.

10 The subject property is located along a Principal Arterial roadway,  
11 which is Picacho Avenue, where these types of land uses are encouraged  
12 and it is located within the vicinity of Seventeenth Street, which is an area  
13 in the City of Las Cruces where industrial uses are encouraged as well.

14 Staff and the applicant actually worked on going through the  
15 permitted uses in the M-1/M-2 Zoning District and eliminating some of  
16 those uses that were permitted in the M-1/M-2 Zoning District. By doing  
17 this we're helping to eliminate any type of nuisances that may occur to the  
18 surrounding residential properties to the north and northeast of the subject  
19 property and this will also help for our compatibility with the area. The  
20 subject properties directly west of the subject property are zoned PUD or  
21 Planning Unit Development, with a list of permitted industrial uses that  
22 were modified for that property. The applicant and staff met and kind of  
23 went through the uses and tried to mimic that of the existing PUD, which  
24 was previously approved to the west of the property; again, for more  
25 compatibility and to be more in keeping with what's existing in the area  
26 now. With that the applicant also agreed to install an opaque wall or fence  
27 around the subject property to screen the view of the surrounding area  
28 from his new, proposed industrial area that will be going onto the property.

29 Here's an aerial view of the subject property. As I said, it's  
30 approximately 3.138 acres. It has a small building in the front, with that  
31 PUD zoned area to the west, which allows the industrial uses as well. It  
32 has the Mayfield Lateral running to the north and northeast of the subject  
33 property. Actually the Mayfield Lateral is completely outside of this  
34 property so it will not affect the Lateral at all. All around through this area  
35 there are limited industrial zoning and uses around this area of West  
36 Picacho Avenue.

37 Here's a site plan of the subject property, again showing the  
38 existing... it says "Dwelling" on there but it is not really a dwelling. It is a  
39 commercial building being utilized on that property.

40 With that, staff reviewed this proposed zone change and, based on  
41 the findings outlined in the staff report, recommend approval with  
42 conditions. The first condition is: the uses permitted on the subject  
43 property shall be limited to those that were listed, that were actually part of  
44 your staff report as Attachment #4, as the list of permitted uses. The  
45 second condition placed on this zone change would be: the applicant  
46 shall be required to install an opaque wall/fence around the perimeter of

1 the subject property to help with screening of the property. The Planning  
2 and Zoning Commission is a recommending Body to City Council for zone  
3 change cases so this recommendation will be forwarded on to City  
4 Council.

5 With that, gentlemen, your options tonight for case Z2851 are: 1) to  
6 vote "yes" to approve the request as recommended by staff for case  
7 Z2851; 2) to vote "yes" to approve the request with additional or modified  
8 conditions as deemed appropriate by the P & Z; 3) to vote "no" to deny the  
9 request or; 4) table and postpone the zone change and direct staff  
10 accordingly. The applicant is here, as well, to answer any questions.

11 To date we only had one public input from the neighbor to the west  
12 simply just asking if there was going to be a buffer or a screen  
13 requirement for the property. We made him aware that the applicant  
14 would be required to put up an opaque wall or fence around the property  
15 as he was required with his zone change to PUD, as well. With that, I  
16 stand for questions.

17  
18 Scholz: All right, any questions for this gentleman? Commissioner Shipley.

19  
20 Shipley: Define the opaque wall or fence. What height is it going to be?

21  
22 Ochoa: Opaque wall or fence, Mr. Chairman, Commissioner Shipley, is a 6-foot  
23 tall wall that you cannot see through so it would have to be completely  
24 opaque from grade up to 6-feet in height, sir. That would be required  
25 around the whole property on the subject property.

26  
27 Shipley: And if it were a fence it would have to be what: a chain link fence with  
28 slats?

29  
30 Ochoa: Mr. Chairman, Commissioner Shipley, whatever is required for the fence  
31 to make it opaque. We have had instances in the past where they used  
32 some type of a mesh, if you will, that is opaque, as well. Slats, chain link  
33 with slats would be permitted as well, or a 6-foot tall wooden fence with  
34 the slats right next to each other, something like that. The applicant does  
35 have options to construct that opaque fence.

36  
37 Scholz: All right, any other questions? Okay, may we hear from the applicant,  
38 please?

39  
40 Piñon: (Inaudible – speaking from the audience)

41  
42 Scholz: Well, we'd like you to come up and identify yourself anyway, by the  
43 microphone.

44  
45 Piñon: Hi, my name is Manuel Piñon and there's nothing to say. He did a pretty  
46 good job.

- 1  
2 Scholz: Okay, that's fine. Do you have any questions for this gentleman? No? All  
3 right. Thank you, sir.  
4  
5 Piñon: Thank you.  
6  
7 Scholz: Anyone from the public wish to speak to this? No, evidently not. All right,  
8 we'll close it for public discussion. Gentlemen, what's your pleasure?  
9  
10 Crane: I move that case Z2851 be approved with the conditions stipulated by the  
11 staff.  
12  
13 Scholz: Okay. Would you read those conditions, please? They're on page 8.  
14  
15 Crane: That the uses permitted on the subject property should be limited to those  
16 listed on Attachment #4, which is...  
17  
18 Scholz: Too long to read. Right.  
19  
20 Crane: Thank you, Mr. Chairman. And the applicant shall install an opaque wall  
21 or fence around the perimeter of the subject property.  
22  
23 Scholz: All right, is there a second?  
24  
25 Evans: I second.  
26  
27 Scholz: Okay, Crane moved and Evans seconded. I'll call the role. Commissioner  
28 Shipley.  
29  
30 Shipley: Aye, findings, discussion and site visit.  
31  
32 Scholz: Commissioner Crane.  
33  
34 Crane: Aye, findings, discussion and site visit.  
35  
36 Scholz: Commissioner Stowe.  
37  
38 Stowe: Aye, findings, discussion and site visit.  
39  
40 Scholz: Commissioner Evans.  
41  
42 Evans: Aye, findings, discussion.  
43  
44 Scholz: Commissioner Beard.  
45  
46 Beard: Aye, findings and discussions.

1  
2 Scholz: And the Chair votes aye, findings, discussion and site visit. So it is  
3 approved 6-0.  
4

5 **VIII. OTHER BUSINESS – NONE**  
6

7 Scholz: Is there any other business before us, Mr. Ochoa?  
8

9 Ochoa: None tonight, sir.  
10

11 **IX. PUBLIC PARTICIPATION**  
12

13 Scholz: Okay, how about any other public participation? No?  
14

15 **X. STAFF ANNOUNCEMENTS**  
16

17 Scholz: Seeing none, staff announcements?  
18

19 Harrison-Rogers: I do have an announcement this evening. We do have a new staff  
20 member with us.  
21

22 Scholz: I was hoping you would introduce him.  
23

24 Harrison-Rogers: He is one of our new staff, Todd Taylor, and you may see him from  
25 time to time, joining us with the Planning Department.  
26

27 Scholz: Welcome, Todd. I hope you enjoy these proceedings. They're usually  
28 even more lively than this. Commissioner Beard, you have a comment or  
29 question?  
30

31 Beard: Just a question... I know there's some City Councillors that have been  
32 thinking about, on this particular... this last item that we discussed now has  
33 to go before the City Council to be approved. Is that correct?  
34

35 Ochoa: Mr. Chairman, Commissioner Beard, that is correct.  
36

37 Beard: There's been... is the City considering eliminating that process?  
38

39 Ochoa: As of now, sir, no, sir. We haven't heard anything from anyone about it.  
40

41 Beard: I'd heard two Councillors talk about that.  
42

43 Ochoa: To our knowledge, I don't think so, sir.  
44

45 Scholz: Kyle has a comment. Yes.  
46

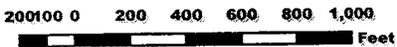
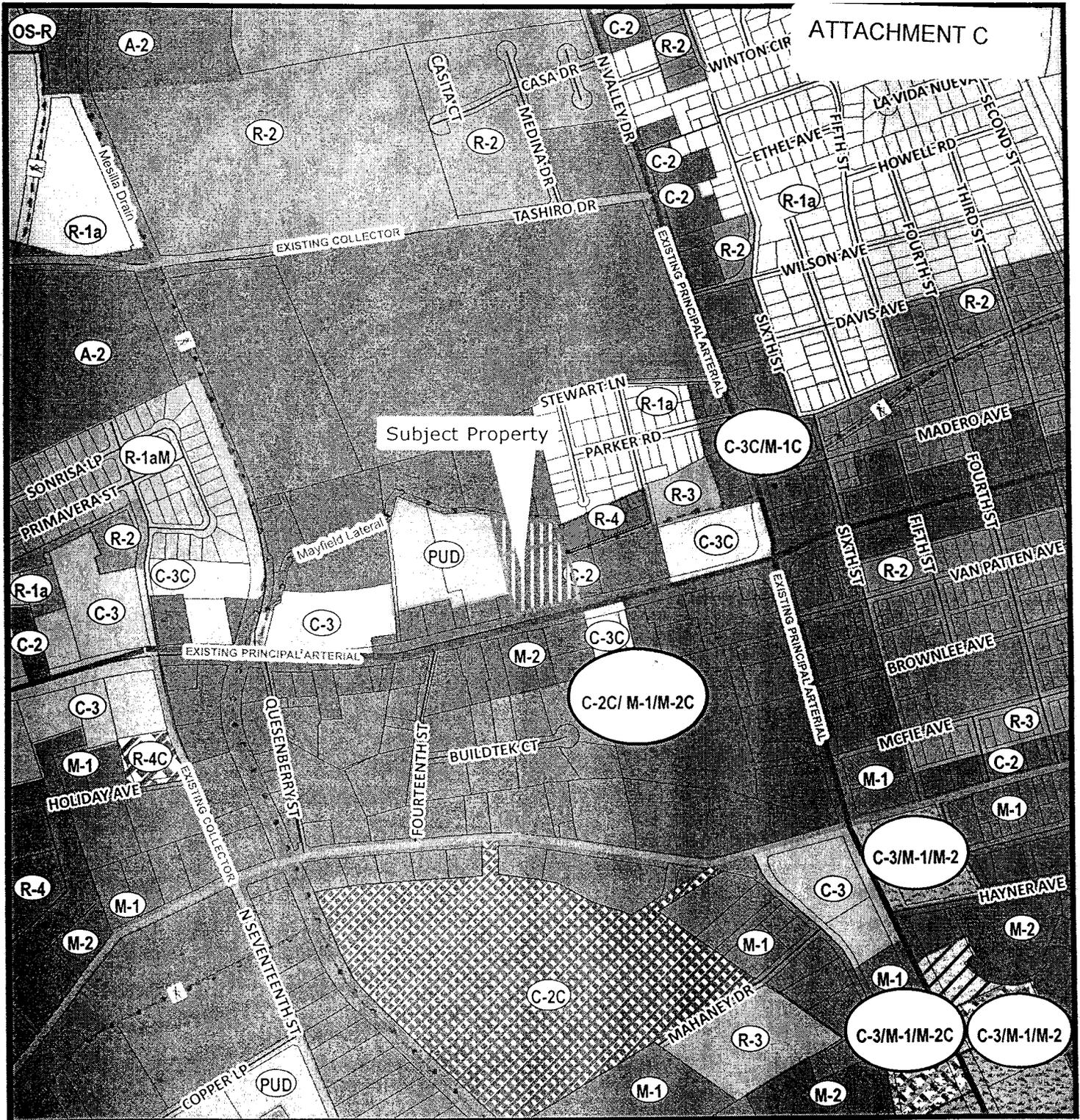
ZONING: C-2 TO M-1/M-2C  
 OWNER: MANUEL M & LETICIA S PINON

# Location Vicinity Map

PARCEL: 02-01986  
 DATE: 04/16/2012

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ATTACHMENT C



**Legend**

Interstates\_Highway    
 EBID Water System    
 Railroad

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.*