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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item #   9   Ordinance/Resolution#   2660  

For Meeting of   July 16, 2012    
 (Ordinance First Reading Date)

For Meeting of   September 17, 2012    
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL                       LEGISLATIVE                       ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM O-2C (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE-CONDITIONAL) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) ON 1.56 ± ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF LOHMAN AVENUE AND INDIAN HOLLOW ROAD; 3830 E. LOHMAN AVENUE. SUBMITTED BY TOM WHATLEY ON BEHALF OF SAMRA, LLC, PROPERTY OWNER (Z2853).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 6</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 undeveloped property located at 3830 E. Lohman Avenue, the southeast corner of Lohman Avenue and Indian Hollow Road. The proposed zone change to C-3C (Commercial High Intensity-Conditional) will facilitate the use of the subject property for a new retail store. The subject property is surrounded along Lohman Avenue by properties zoned C-3 and some properties with office zoning designations (O-1 and O-2). The great majority of these properties including the C-3 zoned properties contain office and service related uses. South of the subject property are properties zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office). These properties contain condominiums and multi-family dwellings. The subject property will be required to follow all standards of the 2001 Zoning Code and the Lohman Avenue Overlay (LAO).

The subject property has an extensive history of zone changes. The property was zoned to O-1 (Office from the 1981 Zoning Code) in 2000, around the same time of the extension of Lohman Avenue and the realignment of Foothills Road. The zone change at that time was highly contentious with the adjacent residential neighborhoods and a number of conditions were placed on the subject property including limiting the building height to one story and the maximum height to 25 feet, requiring a 30 foot wide landscape buffer along the southern

boundary of the property and prohibiting any temporary uses (except a temporary construction yard) for the property for seasonal activities such as firewood, Christmas trees, and fireworks sales. In 2002 a zone change from O-1 (Office from the 1981 Zoning Code) to the currently existing zoning designation of O-2C (Office, Professional-Limited Retail Service-Conditional) was done to bring the property into compliance with the 2001 Zoning Code. This zone change was required because the subject property exceeded the maximum lot size requirement of the O-1 (Office, Neighborhood-Limited Retail Service) zoning district of the 2001 Zoning Code. The three previous conditions were incorporated into the new O-2C zoning designation. In 2005 another zone change was proposed for the property from O-2C (Office, Professional-Limited Retail Service-Conditional) to C-3C (Commercial High Intensity-Conditional). This zone change was recommended for approval by the Planning & Zoning Commission, but ultimately denied by City Council.

The applicant is proposing to keep a majority of the existing conditions on the property, including the 30 foot wide landscape buffer and the prohibition of temporary uses on the subject property. The applicant also desires to limit the height, however, the applicant proposes to increase the maximum building height allowed on the property from 25 feet to 30 feet for the purpose of screening all utility units on the roof of the new building. The screening of these units is a requirement of the Lohman Avenue Overlay (LAO). Staff is also recommending additional conditions for the proposed zone change due to the fact that the previous zone changes for the subject property were contentious, in order to help ensure that the new development proposal is sensitive to the character of the surrounding existing neighborhoods. The proposed conditions are as follows:

1. The building height shall be limited to 30 feet and restricted to a maximum of one story.
2. A 30-foot wide Type C landscape buffer shall be provided along the southern boundary of the subject property.
3. The subject property shall prohibit any temporary uses (except for a temporary construction yard).
4. Permitted uses on the subject property shall be limited to general retail uses listed in Exhibit "C".
5. A portion of Indian Hollow Road adjacent to the subject property has never been dedicated as right-of-way to the City and is still part of the subject property. The applicant shall be required to dedicate the section of the subject property that makes up Indian Hollow Road.
6. The applicant shall be required to provide improvements to City standards to Indian Hollow Road including curb, gutter and sidewalk at the time of development of the property.

On May 22, 2012, the Planning and Zoning Commission (P&Z) recommended conditional approval of the proposed zone change request by a vote of 3-2-0, (two Commissioners absent). During the meeting, several members of the public voiced their concerns and disapproval of the proposed zone change. Members from the public voiced concerns with the potential traffic and noise the proposed use will bring to the already heavily traveled and busy area. There was also a concern about allowing a C-3C zoning designation so close to a residential area. It was argued that the existing O-2C zoning designation is a much better fit for the area and

acceptable for the neighborhood. A member of the public also made the Commission aware that notice was never received by her and her adjacent neighbors in a condominium development adjacent to the subject property who are mostly against the proposed zone change. Staff is aware of this discrepancy and public notice will be delivered to those people for the City Council meeting. Letters of protest (see Attachment "C") were also received by staff prior to the P&Z meeting.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A"- Site Plan.
3. Exhibit "B"- Findings.
4. Exhibit "C"- List of Permitted General Retail Uses on the Subject Property.
5. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2853.
6. Attachment "B"- Draft minutes from the May 22, 2012 Planning and Zoning Commission meeting.
7. Attachment "C"- Letters of Protest from Surrounding Property Owners.
8. Attachment "D"- 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
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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 1.56 ± acres will be rezoned from O-2C (Office, Professional-Limited Retail Service-Conditional) to C-3C (Commercial High Intensity-Conditional). The zone change facilitates the development of the subject property for a new retail store.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of O-2C (Office, Professional-Limited Retail Service-Conditional) will remain on the subject property. The proposed retail store will not be allowed to be developed. 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. Ordinance 1954.
2. Ordinance 2206.

COUNCIL BILL NO. 13-005  
ORDINANCE NO. 2660

AN ORDINANCE APPROVING A ZONE CHANGE FROM O-2C (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE-CONDITIONAL) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) ON 1.56 ± ACRES OF LAND LOCATED ON THE SOUTHEAST CORNER OF LOHMAN AVENUE AND INDIAN HOLLOW ROAD; 3830 E. LOHMAN AVENUE. SUBMITTED BY TOM WHATLEY ON BEHALF OF SAMRA, LLC, PROPERTY OWNER (Z2853).

The City Council is informed that:

**WHEREAS**, Samra, LLC, the property owner, has submitted a request for a zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to C-3C (Commercial High Intensity-Conditional) for property located at 3830 E. Lohman Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on May 22, 2012, recommended that said zone change request be approved conditionally by a vote of 3-2-0 (two Commissioners absent).

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

(I)

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3C (Commercial High Intensity-Conditional) for property located at 3830 E. Lohman Avenue.

(II)

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

- The building height shall be limited to 30 feet and restricted to a maximum of one story.
- A 30-foot wide Type C landscape buffer shall be provided along the southern boundary of the subject property.
- The subject property shall prohibit any temporary uses (except for a temporary construction yard).
- Permitted uses on the subject property shall be limited to general retail uses listed in Exhibit "C" attached hereto and made a part of this Ordinance.

- A portion of Indian Hollow Road adjacent to the subject property has never been dedicated as right-of-way to the City and is still part of the subject property. The applicant shall be required to dedicate the section of the subject property that makes up Indian Hollow Road.
- The applicant shall be required to provide improvements to City standards to Indian Hollow Road including curb, gutter and sidewalk at the time of development of the property.

(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: \_\_\_\_\_

VOTE:

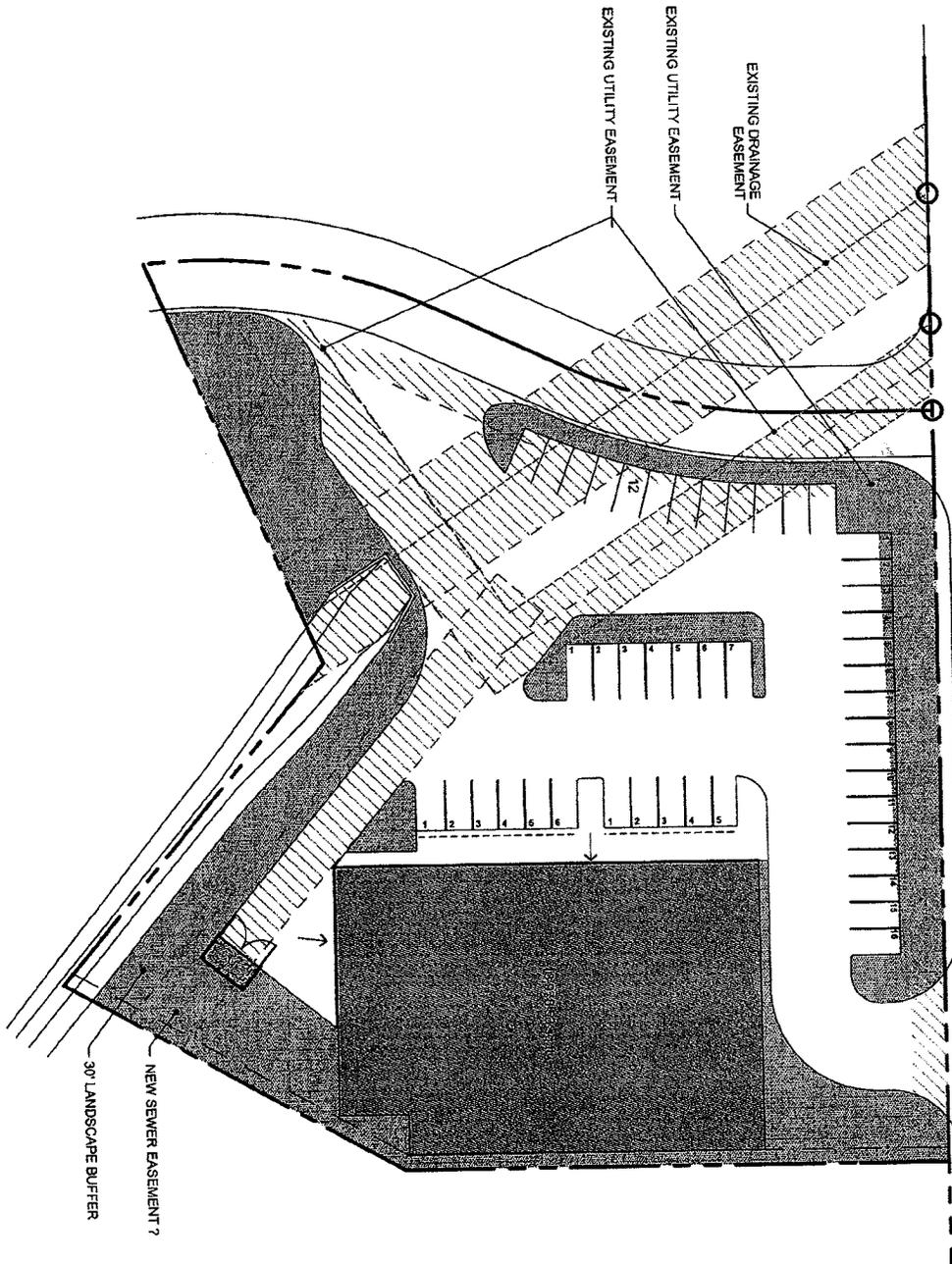
Mayor Miyagishima: \_\_\_\_\_  
 Councilor Silva: \_\_\_\_\_  
 Councilor Smith: \_\_\_\_\_  
 Councilor Pedroza: \_\_\_\_\_  
 Councilor Small: \_\_\_\_\_  
 Councilor Sorg: \_\_\_\_\_  
 Councilor Thomas: \_\_\_\_\_

APPROVED AS TO FORM:

                    *Frank R. Jones*                      
City Attorney



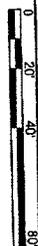
- SITE PLAN LEGEND**
- STRUCTURE:
  - NEW LANDSCAPING:
  - NEW CONCRETE PAVEMENT:
  - NEW ASPHALT PAVEMENT:



1

**SITE PLAN**

SCALE: 1" = 40'



**FINDINGS**

1. The subject property currently encompasses 1.56 ± acres, is zoned O-2C (Office, Professional-Limited Retail Service-Conditional) and is located within the Lohman Avenue Overlay (LAO).
2. The subject property is located along Lohman Avenue, a Principal Arterial roadway, where commercial high intensity uses are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3)
3. The proposed zone change is in keeping with the 2001 Zoning Code, as amended, Article 1, Section 38-2.

**RETAIL LAND USES ALLOWED**

Auto/Truck Parts Store  
Building Material  
Carpet/Window Treatments  
Clothing Store  
Convenience Store  
Delicatessen, Produce/Meat Market  
Department Store  
Furniture Store  
Garden Supply  
Grocery Store  
Hardware Store  
Home Furnishings  
Plant Nursery  
Specialty Foods (Bakeries, Confectionaries, etc.)  
Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)  
Variety Store



Planning & Zoning  
Commission  
Staff Report

Date: May 11, 2012

**CASE #** Z2853

**PROJECT NAME:** 3830 E. Lohman Avenue (Zone Change)

**APPLICANT:** Tom Whatley

**PROPERTY OWNER:** SAMRA, LLC

**REQUEST:** Zone change from O-2C (Office, Professional-Limited Retail Service-Conditional) to C-3C (Commercial High Intensity-Conditional)

**PROPOSED USE:** A new retail store

**SIZE:** 1.56 ± acres

**CURRENT ZONING:** O-2C (Office, Professional-Limited Retail Service-Conditional)

**LOCATION:** Located on the southeast corner of Lohman Avenue and Indian Hollow Road within the Lohman Avenue Overlay; 3830 E. Lohman Avenue; Parcel ID# 02-27849

**COUNCIL DISTRICT:** 6

**PLANNING COMMISSION DATE:** May 22, 2012

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

**STAFF RECOMMENDATION:** Approval with conditions

**PROPERTY INFORMATION**

Address/Location: The southeast corner of Lohman Avenue and Indian Hollow Road within the Lohman Avenue Overlay; 3830 E. Lohman Avenue; Parcel ID# 02-27849

Acreage: 1.56 ±

Current Zoning: O-2C (Office, Professional-Limited Retail Service-Conditional)

Current Land Use: Vacant/undeveloped

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

Proposed Land Use: A new retail store

Is the subject property located within an overlay district? Yes  No   
 If yes which overlay district? The Lohman Avenue Overlay

**Table 1: Site Analysis**

Existing Conditions	
Existing Square Footage of All Buildings	N/A
Current Lot Size	67,593 ± square feet
Current Lot Depth/Width	185 ± feet/ 258 ± 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	O-2C	Office, Professional-Limited Retail Service-Conditional
Surrounding Properties	North	Vacant/ Undeveloped/ Bank/ Offices	C-3C	Commercial High Intensity-Conditional
	South	Multi-Family Dwellings	R-4C	Multi-Dwelling High Density & Limited Retail and Office-Conditional
	East	Offices	O-2/ C-3C	Office, Professional-Limited Retail Service-Conditional/ Commercial High Intensity-Conditional
	West	Bank/ Offices	O-1C/ C-3C	Office, Neighborhood-Limited Retail Service-Conditional/ Commercial High Intensity-Conditional

## HISTORY

Previous applications? Yes  No

If yes, please explain: Ordinance 1954 was approved in September of 2002 changing the zoning designation for the subject property from O-1C (Office, Neighborhood-Limited Retail Service-Conditional) to O-2C (Office, Professional-Limited Retail Service-Conditional). The zone change placed several conditions on the subject property: 1, The building height shall be restricted to one story, maximum height of 25 feet; 2, A 30 foot wide landscape buffer shall be provided along the southern boundary of the property; 3, The O-2C zone shall prohibit any temporary uses (except a temporary construction yard) for the property for seasonal activities such as firewood, Christmas trees, and fireworks sales.

Previous Ordinance numbers? 1954

Previous uses if applicable: N/A

## COMPREHENSIVE PLAN

### Elements & Policies

#### Land Use Element

1. Goal 1, Objective 5, Policy 1.5.3

Analysis: The subject property currently encompasses 1.56 ± acres, is zoned O-2C (Office, Professional-Limited Retail Service-Conditional) and is located within the Lohman Avenue Overlay (LAO). The proposed zone change to C-3C (Commercial High Intensity-Conditional)

would facilitate the use of the subject property for a new retail store. The property is located along Lohman Avenue, a Principal Arterial roadway, where commercial high intensity uses are encouraged. The subject property is also located adjacent to a higher density residential use where commercial high intensity uses are appropriate. The proposed C-3C zoning designation will also be compatible with the vast majority of 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: 1.65 ± miles

Address: 2802 E. Missouri Avenue

Adequate Capacity to Accommodate Proposal? Yes  No

Additional Comments: Recommendation of approval.

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone X

Development Improvements

Drainage calculation needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input type="checkbox"/>	No <input checked="" 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: Indian Hollow Road is currently not dedicated right-of-way. Recommend dedicating the portion of Indian Hollow Road on the subject property to the City. Recommendation of approval.

MPO:

Road classifications: Lohman 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 (sign only) 320 ± feet east of the subject property on Lohman 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:

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. A TIA shall be required at the time of submittal of construction drawings.

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

Site Accessibility

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

On-Street Parking Impacts

None  Low  Medium  High  N/A

Explain: No on-street parking is permitted on Indian Hollow Road and Lohman Avenue.

Future Intersection Improvements

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

Additional Comments: A Traffic Impact Analysis (TIA) shall be required for the property at the time of submittal of construction drawings. 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



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 is required to provide either a ten (10) foot semi-opaque or five (5) foot opaque buffer yard along its southern property line adjacent to the multi-family residential property. However, staff is recommending keeping a condition previously placed on the zoning of the subject property requiring a 30 foot wide landscape buffer along the southern property line.

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	Yes	Any proposed construction on the property shall require the landscaping of the adjacent median along Lohman Avenue.

**Table 4: Project Chronology**

Date	Action
March 30, 2012	Application submitted to Development Services
April 2, 2012	Case sent out for review to all reviewing departments
April 9, 2012	All comments returned by all reviewing departments
April 12, 2012	Staff reviews and recommends conditional approval of the zone change
May 6, 2012	Newspaper advertisement

May 10, 2012	Public notice letter mailed to neighboring property owners
May 11, 2012	Sign posted on property
May 22, 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 1.56 ± acres, is zoned O-2C (Office, Professional-Limited Retail Service-Conditional) and is located within the Lohman Avenue Overlay (LAO). The proposed zone change to C-3C (Commercial High Intensity-Conditional) will facilitate the use of the subject property for a new retail store. There is currently an abundance of office uses located within the vicinity of the subject property, mostly on properties currently zoned C-3, making its existing O-2C zoning designation and potential uses obsolete. The proposed zone change would also encourage innovations in land development in the surrounding area. The proposed zone change would also encourage the development of a vacant property within an established area and the Lohman Avenue Overlay. The applicant is proposing to keep a majority of the conditions on the property from the previous zone change except for the desire to increase the maximum building height allowed on the property from 25 feet to 30 feet for the purpose of screening all accessory utility units on the roof of the new building. Staff is also recommending additional conditions for the proposed zone change due to the fact that the previous zone change for the subject property was highly contentious and to help ensure that the new development proposal is sensitive to the character of the surrounding existing neighborhoods. Staff recommends the following conditions for the proposed zone change:

1. The building height shall be limited to 30 feet and restricted to a maximum of one story. (From previous zone change)
2. A 30-foot wide landscape buffer shall be provided along the southern boundary of the subject property. (From previous zone change)
3. The subject property shall prohibit any temporary uses (except for a temporary construction yard). (From previous zone change)
4. Permitted uses on the subject property shall be limited to general retail uses listed in Attachment #4 (see attached). (New condition)
5. The applicant shall be required to dedicate the section of the subject property that makes up Indian Hollow Road. (New condition)
6. The applicant shall be required to provide improvements to Indian Hollow Road including curb, gutter and sidewalk at the time of development of the property. (New condition)

The property will be required to follow all development standards of the 2001 Zoning Code and the Lohman Avenue Overlay.

## DRC RECOMMENDATION

The proposal did not require review and recommendation by the Development Review Committee.

## STAFF RECOMMENDATION

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

## FINDINGS FOR APPROVAL

1. The subject property currently encompasses 1.56 ± acres, is zoned O-2C (Office, Professional-Limited Retail Service-Conditional) and is located within the Lohman Avenue Overlay (LAO).

2. The subject property is located along Lohman Avenue, a Principal Arterial roadway, where commercial high intensity uses are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3)
3. The proposed zone change is in keeping with the 2001 Zoning Code, as amended, Article 1, Section 38-2.

### **CONDITIONS OF APPROVAL**

1. The building height shall be limited to 30 feet and restricted to a maximum of one story. (per Ordinance 1954)
2. A 30-foot wide landscape buffer shall be provided along the southern boundary of the subject property. (per Ordinance 1954)
3. The subject property shall prohibit any temporary uses (except for a temporary construction yard). (per Ordinance 1954)
4. Permitted uses on the subject property shall be limited to general retail uses listed in Attachment #4. (see attached)
5. The applicant shall be required to dedicate the section of the subject property that makes up Indian Hollow Road. (1999 Comprehensive Plan Goal 2, Objective 1, Policy 6f)
6. The applicant shall be required to provide improvements to Indian Hollow Road including curb, gutter and sidewalk at the time of development of the property. (1999 Comprehensive Plan Goal 2, Objective 1, Policy 6f)

**If the Planning and Zoning Commission deems the zone change unsubstantiated, staff recommends the following alternate finding for denial:**

1. The proposed zone change is not compatible with the existing surrounding land uses. The applicant has the option of developing the subject property with a use permitted by the existing O-2C (Office, Professional-Limited Retail Service-Conditional) zoning designation. (2001 Zoning Code Article 5, Section 38-49.1)

### **ATTACHMENTS**

1. Development Statement
2. Conceptual 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 Information

Name of Applicant: SAMRA, LLC

Contact Person: Bassam Housi MD

Contact Phone Number: 575-544-5650

Contact e-mail Address: Housi69@msn.com

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

## Proposal Information

Name of Proposal: 3830 Lohman Ave, Las Cruces, NM 88011

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

Commercial Building

Location of Subject Property Southeast Corner of Lohman & Indian Hollow

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

Acreage of Subject Property: 1.56 Acres

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

Vacant Land

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

15,000 SF Retail Store

Zoning of Subject Property: O-2C

Proposed Zoning (If applicable): C-3

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

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

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

15,000 SF. 20' Height

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

9:00 AM TO 8:00 PM

Anticipated traffic generation 150 trips per day.

Anticipated development schedule: work will commence on or about upon approval of Plans and will take 60 TO 90 Days. to complete.

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

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  Explain: \_\_\_\_\_

Is there existing landscaping on the property? NO

Are there existing buffers on the property? 30' Landscape Buffer

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

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



March 30, 2012

City of Las Cruces  
Planning and Zoning Commission  
City Staff

To whom it may concern

I represent the potential Buyer for 3830 Lohman Avenue, Las Cruces, NM. The parcel # is 02-27849. The size of the parcel is 1.56 acres + or -. The current zoning is O-2C. The zone change was done on September 3, 2002 with Council Bill # 03-027 and Ordinance # 1954. The zoning was changed from O-1 to O-2C.

For purposes of the zone change request and the variance of the building height, I will represent the Owner and the potential Buyer.

I have been working with the potential Buyer for over two years to find a suitable site for a retail location. We have toured the area and they have decided that 3830 Lohman is the perfect site for a retail operation. The potential Buyer is the developer for the retail store. The end users have been to Las Cruces many times and are looking forward to opening in Las Cruces.

The parcel in question is currently zoned O-2C and we are requesting a zone change to C-3. The O-2 designation does not allow a retail store. The C-3 designation does. We are also requesting that restriction to the building height be changed from 25' to 30'. They want to adhere to the Lohman Corridor plan for screening of the HVAC units. The 25' height will not allow screening of the HVAC units according to the building specs and needs of the end user. The building will be only one floor in height.

The surrounding parcels that face Lohman Avenue on the north and the south side between Foothills and Roadrunner Parkway are all zoned C-3, with the exception of two parcels. One is zoned C-2 and the other is zoned O-2.

The zone change in 2002 was in request of market changes. This zone request is again due to market changes.

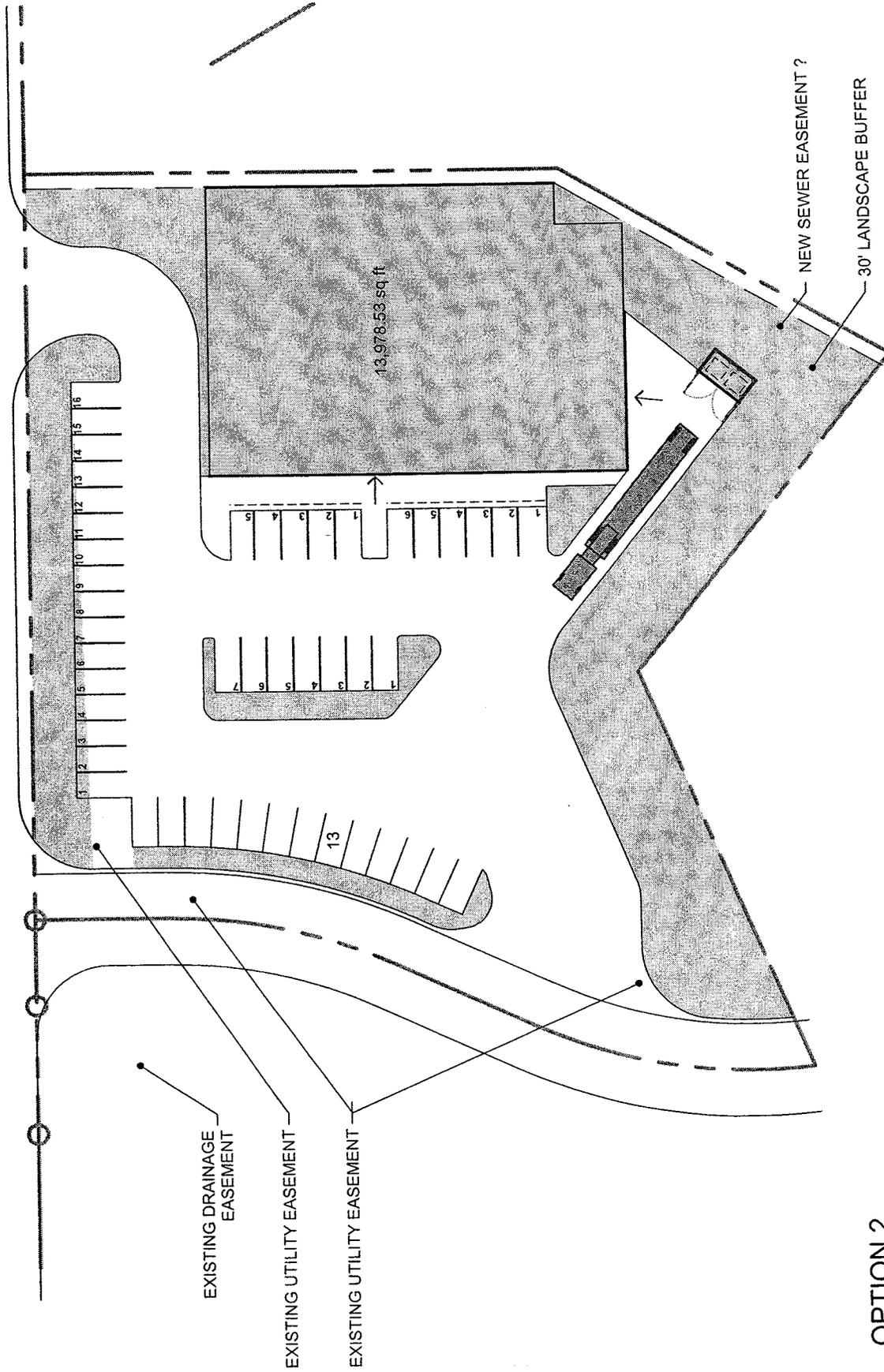
The end user has been in business for over 50 years and has many locations within the mountain region. The proposed size of the building is 15,000 SF and will start with 15 employees when it opens and will grow up to 50 employees as volume increases. This will add jobs to Las Cruces and fill a particular need in retail.



The complete process once the zone change is approved, the developers will work with City staff and once the plans are approved, the developer will start construction within 15 days. The project will take 60 to 90 days. It is important to be open by the 4<sup>th</sup> quarter.

Sincerely,

Tom Whatley  
Steinborn TCN Commercial Real Estate  
Steinborn & Associates Real Estate  
141 Roadrunner Parkway, Suite 141  
Las Cruces, NM 88011  
(575) 522-3698 Office  
(575) 522-4987 Fax  
**(575) 649-2256 Mobile**  
**Tom@steinborn.com**

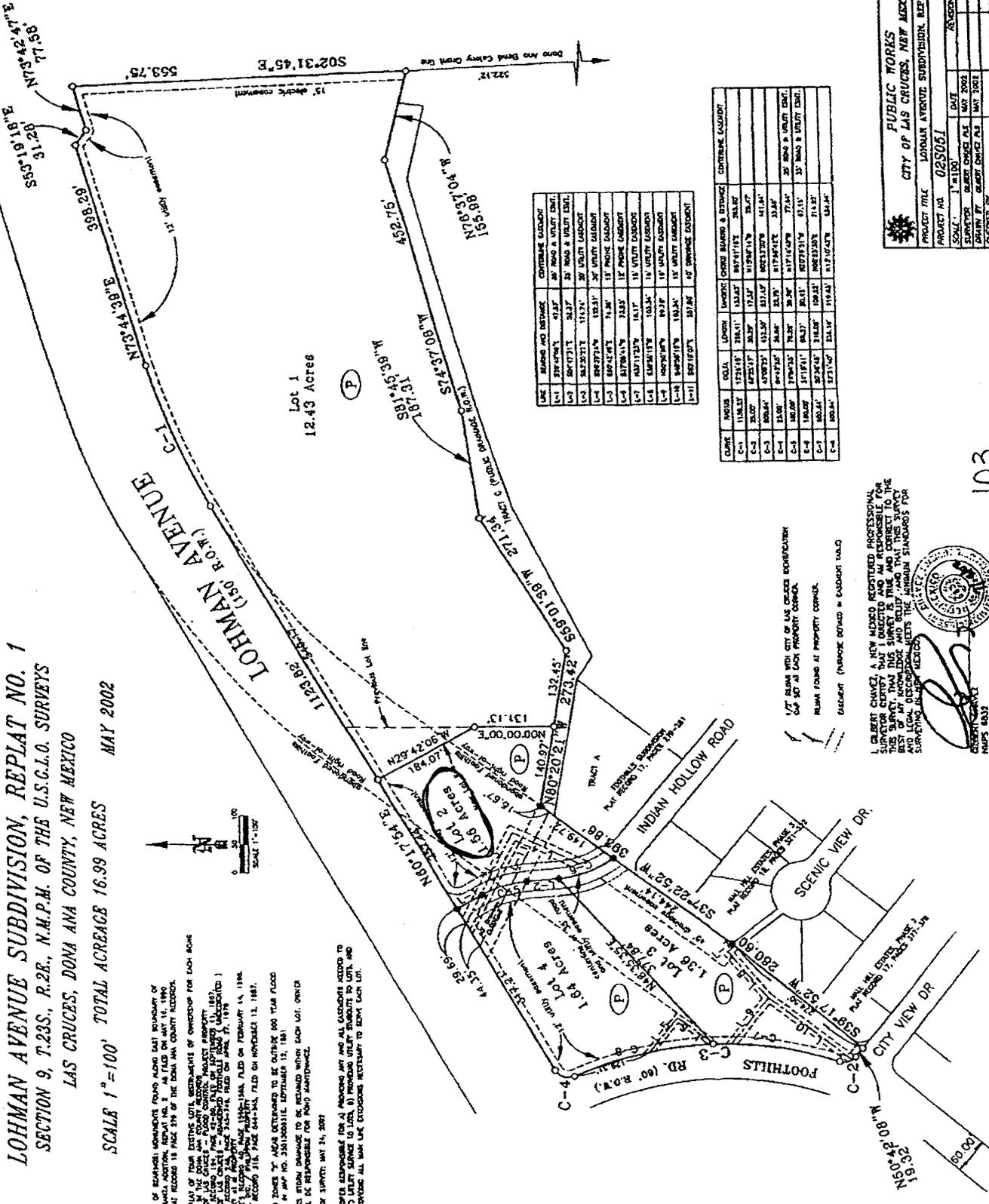
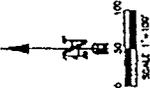


OPTION 2

**LOHMAN AVENUE SUBDIVISION, REPLAT NO. 1**  
**SECTION 9, T.23S., R.2E., N.H.P.M. OF THE U.S.G.L.O. SURVEYS**  
**LAS CRUCES, DONA ANA COUNTY, NEW MEXICO**

SCALE 1" = 100' TOTAL ACRES 16.99 ACRES MAY 2002

1. BASIS OF REVISION: MEMORANDUM FILED ABOVE LAST EXTENSION OF EXTENSIBLE ADDITIONAL REPLAT NO. 2, AS FILED ON MAY 15, 1990. IN PLAT REVISION IS PAGE 214 OF THE DONA ANA COUNTY RECORDS.
2. A BASIS OF THIS EXTENSIBLE ADDITIONAL REPLAT NO. 1 IS THE REVISION OF THE DONA ANA COUNTY RECORDS, AS FILED IN REVISION NO. 2, AS FILED ON MAY 15, 1990. THIS REVISION IS PAGE 214 OF THE DONA ANA COUNTY RECORDS. THE BASIS OF THIS EXTENSIBLE ADDITIONAL REPLAT NO. 1 IS THE REVISION OF THE DONA ANA COUNTY RECORDS, AS FILED IN REVISION NO. 2, AS FILED ON MAY 15, 1990. THIS REVISION IS PAGE 214 OF THE DONA ANA COUNTY RECORDS.
3. ALONG BOUNDARY LINE, AS FAR AS EXTENDED TO BE OUTSIDE 600 FEET FLOOD PLAIN IN MAP NO. 3501000311E, EXTENDING TO 11, 18A).
4. EXCESS EASEMENT DAMAGE TO BE RECALCULATED WHEN EACH LOT OWNER SHALL BE RESPONSIBLE FOR PAID MAINTENANCE.
5. DATE OF SURVEY: MAY 24, 2002
6. SURVEYOR IS RESPONSIBLE FOR ALL MEASUREMENTS AND ALL CALCULATIONS REFERRED TO EXTENSIBLE ADDITIONAL REPLAT NO. 2, AS FILED ON MAY 15, 1990.
7. PROVISIONS ALL THAT THE EXTENSIBLE ADDITIONAL REPLAT NO. 2, AS FILED ON MAY 15, 1990.



**PUBLIC WORKS**  
**CITY OF LAS CRUCES, NEW MEXICO**

PROJECT FILE: LONMAN AVENUE SUBDIVISION, REPLAT NO. 1  
 PROJECT NO: 025051

SCALE: 1" = 100'	DATE: MAY 2002
SURVEYOR: GILBERT CHAVEZ, P.E.	DATE: MAY 2002
DRAWN BY: GILBERT CHAVEZ, P.E.	DATE: MAY 2002
CHECKED BY: [Signature]	DATE: [ ]



I, GILBERT CHAVEZ, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT I OWNED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR AND LOCAL JURISDICTION MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

1/2" BEARING WITH CITY OF LAS CRUCES EXPANSION PLAN FOUND AT PROPERTY CORNER.  
 BEARING (NEARBY) FOUND IN EXISTING WALK

103

### **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 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.

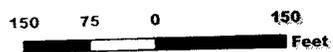
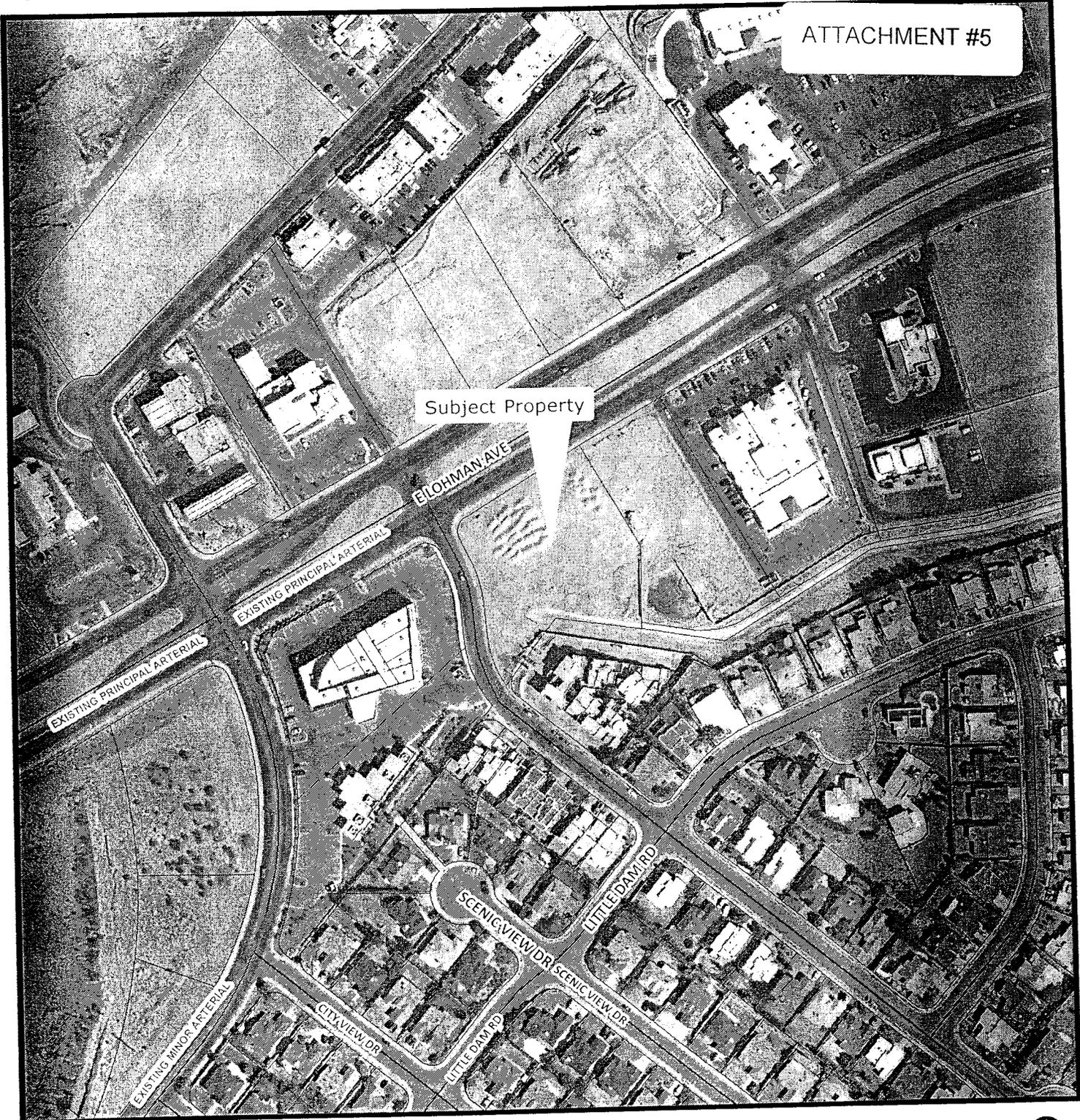
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

## RETAIL LAND USES ALLOWED

Auto/Truck Parts Store  
Building Material  
Carpet/Window Treatments  
Clothing Store  
Convenience Store  
Delicatessen, Produce/Meat Market  
Department Store  
Furniture Store  
Garden Supply  
Grocery Store  
Hardware Store  
Home Furnishings  
Plant Nursery  
Specialty Foods (Bakeries, Confectionaries, etc.)  
Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)  
Variety Store

ATTACHMENT #5

Subject Property



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

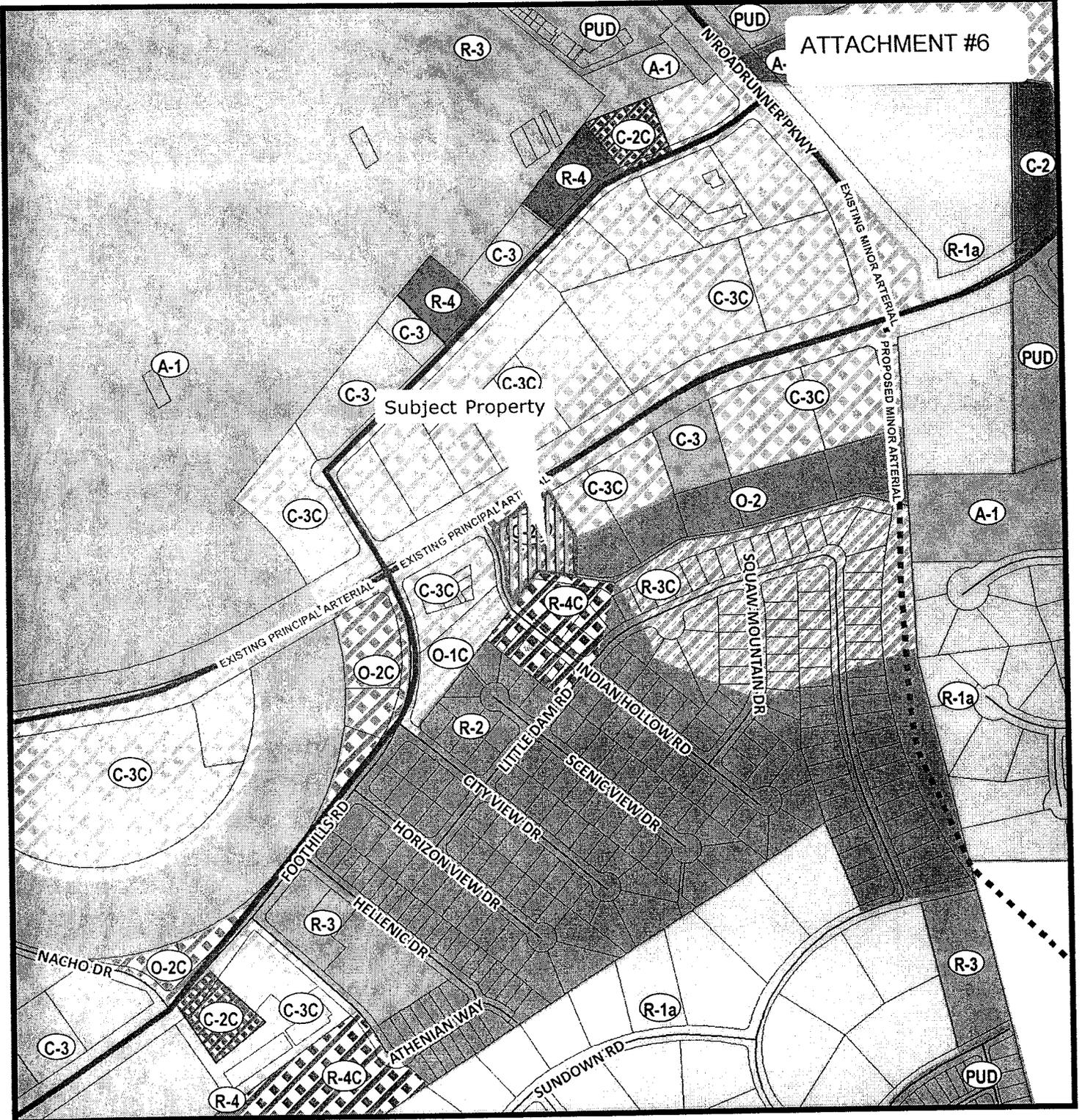
*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

ZONING: O-2C TO C-3C  
 OWNER: SAMRA LLC

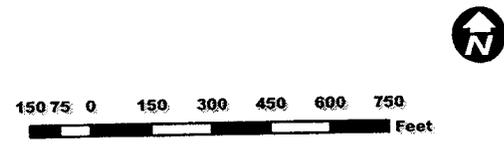
210  
 Zone Map

PARCEL: 02-27849  
 DATE: 05/11/2012

ATTACHMENT #6



Legend		



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  
May 22, 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
- Shawn Evans, Member

**BOARD MEMBERS ABSENT:**

- Donald Bustos, Member
- Ray Shipley, Member

**STAFF PRESENT:**

- Robert Kyle, Building and Development Administrator, CLC
- Katherine Harrison-Rogers, Senior Planner, CLC
- Adam Ochoa, Planner, CLC
- Susana Montana, Planner, CLC
- Paul Michaud, Senior Planner, CLC
- Srijana Basnyat, Planner
- 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, May 22<sup>nd</sup>, 2012. I'm Charles Scholz, the Chair. I'm going to introduce the other members of our Commission and then we'll proceed with a couple of announcements and then we'll go on to the business. On my right is Commissioner Crane. He represents District 4. Next to him is Commissioner Stowe who represents Council District 1. Next to him is Commissioner Evans who represents Council District 5 and I am the Mayor's appointee to the Commission. We're expecting at least

- 1           2. **Case Z2853:** Application of Tom Whatley on behalf of Samra, LLC to rezone  
2 from O-2C (Office, Professional-Limited Retail Service-Conditional) to C-3C  
3 (Commercial High Intensity-Conditional) on a 1.56 ± acre lot located on the  
4 southeast corner of Lohman Avenue and Indian Hollow Road within the  
5 Lohman Avenue Overlay; 3830 E. Lohman Avenue; Parcel ID# 02-27849.  
6 Proposed Use: A 15,000 square foot retail store; Council District 6.  
7

8 Scholz:           Okay, our next case, then is case Z2853 and Mr. Ochoa, you're up.

9  
10 Ochoa:           For the record: Adam Ochoa, Development Services. Our final case  
11 tonight, gentlemen, is case Z2853. It is a request for a zone change from  
12 O-2C, which is Office, Professional and Limited Retail Service-Conditional,  
13 to C-3C, which is Commercial High Intensity-Conditional.

14           The subject property located south of Lohman Avenue, here where  
15 my cursor is, on the corner of Indian Hollow and Lohman Avenue. As you  
16 can see here and just to give you an idea where it's at: to the east is  
17 Roadrunner Parkway and to the northwest there we have the Dam. As I  
18 said, it is located in the southeast corner of Lohman Avenue and Indian  
19 Hollow Roadway. Currently the subject property is zoned O-2C and  
20 encompasses approximately 1.56 acres and is currently undeveloped or  
21 vacant. The subject property is also located within the Lohman Avenue  
22 Overlay. The proposed C-3C or Commercial High intensity-Conditional  
23 proposed zoning on the subject property will facilitate the use of the  
24 property for a new retail store, which is kind of in the works right now by  
25 the applicant to be brought to fruition. The subject property is located on  
26 Lohman Avenue, which is designated as a Principal Arterial roadway by  
27 the MPO or the Metropolitan Planning Organization here at the City.

28           Just to give you a little bit more background than what the staff  
29 report goes into on the property, it was initially zoned O-1C, which is  
30 Office from the 1981 Zoning Code. This was done around the time when  
31 the Lohman Avenue extension occurred. This zone change was highly  
32 contentious with the area and a number of conditions were placed on that  
33 zoning designation. Later, in 2002 another zone change came up for the  
34 subject property from O-1C, Office, from the 1981 Zoning Code to O-2C,  
35 the current zoning designation of Office, Professional and Limited Retail  
36 Service-Conditional, from the 2001 Zoning Code. This zoning change was  
37 essentially done to bring the property into compliance with the 2001  
38 Zoning Code. Staff at the time knowing that the previous zoning changes  
39 were so highly contentious kept the conditions from the original zone  
40 change for this zoning designation of O-2C. To go a little deeper into  
41 some of the history on the property, in 2005 there actually was a previous  
42 attempt to do a zone change on the subject property from its current O-2C  
43 designation to a C-3C, Commercial High Intensity-Conditional zoning  
44 designation that is being requested as of now. The zone change request  
45 was actually recommended for approved by the Planning and Zoning

1 Commission and later denied by the City Council at a City Council  
2 meeting.

3 To kind of keep within what was previously approved with  
4 conditions the applicant is proposing to keep a majority of the conditions  
5 on the property minus one. There is a current condition on the property  
6 limiting the maximum height of any proposed building on the property to  
7 25 feet. The applicant is proposing to raise that elevation to 30 feet so as  
8 to screen or shield for the purpose of screening any type of accessory  
9 utility units or air conditioning units and so forth on the roof of the new  
10 building that will be built for the retail store. This is actually a requirement  
11 of the Lohman Avenue Overlay requiring of the shielding of these types of  
12 accessory utility units on the roof.

13 Adding to that staff is recommending additional conditions for the  
14 proposed zone change. We are continuing the requirement of limiting the  
15 maximum building height on the subject property. Currently the C-3  
16 zoning designation allows up to a 65-foot building in height. We are  
17 restricting that to 30 feet and restricting it to a maximum of one story in  
18 height. We are also bringing from the previous zone change a condition  
19 requiring a 30-foot wide landscape buffer to be provided along the  
20 southern boundary of the subject property. We are also bringing along a  
21 prohibition of any temporary uses on the subject property except for a  
22 temporary construction yard, of course, when construction of the building  
23 is taking place on the property.

24 Some newer conditions we are placing on this proposed zone  
25 change is that the permitted uses on the subject property shall be limited a  
26 kind of general retail uses of the C-3 Zoning District, which are in  
27 attachments to your packets. You can see the general, more retail-related  
28 specialty shops type of thing, retail-based and keeping away from the  
29 service-based and a little more, I guess, intensity-type of uses on the  
30 property.

31 With this zone change request staff is also requiring that the  
32 applicant dedicate his or her section of the property that makes up Indian  
33 Hollow. That section of Indian Hollow, which I will show on the next map,  
34 is actually part of the subject property and not public right-of-way. We will  
35 require that be dedicated to the City. Along with that they will also be  
36 required to provide any improvements at Indian Hollow Road, including  
37 curb, gutter and sidewalk at the time of development of the new property.

38 We continue to the aerial here. Here is the vacant, subject property  
39 we are speaking about now. This is the section of Indian Hollow that is  
40 not dedicated to the City, which would be required, and where those  
41 improvements will be required; and the southern property line where the  
42 30-foot landscape buffer would be required with the development of the  
43 property.

44 Here's kind of a proposed site plan of what the applicant is  
45 proposing, showing roughly, a little under 14,000 square foot building with  
46 the designated parking and the 30-foot landscape buffer the rear of the

1 property. Again, this is just a proposed, conceptual plan. Anything that  
 2 they build on the property would have to follow not only the 2001 Zoning  
 3 Code Requirements as well as conditions placed on the property, but also  
 4 the Lohman Avenue Overlay as well.

5 With that, staff recommends that this proposed zone change be  
 6 recommended for approval with conditions for the proposed zone change  
 7 based on the findings outlined in the staff report. The conditions are: 1)  
 8 again, the building height shall be limited to 30 feet and restricted to a  
 9 maximum of one story; 2) a 30-foot wide landscape buffer shall be  
 10 provided along the southern boundary of the subject property; 3) the  
 11 subject property shall be prohibited from any temporary uses except for a  
 12 temporary construction yard; 4) permitted uses on the subject property  
 13 shall be limited to those general retail uses outlined in Attachment #4 of  
 14 the staff report; 5) the applicant shall be required to dedicate that section  
 15 of Indian Hollow that is located on their property, and; 6) the applicant  
 16 shall be required to provide any and all improvements to Indian Hollow,  
 17 including curb, gutter and sidewalk at the time of development of the  
 18 property.

19 With that, gentlemen, your options tonight for case Z2853 are: 1) to  
 20 vote "yes" to approve the request as recommended by staff; 2) to vote  
 21 "yes" to approve the request with additional or modified conditions; 3) to  
 22 vote "no" and recommend denial for the proposed zone change, and; 4) to  
 23 table/postpone the proposed zone change and direct staff accordingly.

24 You have been handed an email, I believe, and a formal letter from  
 25 a neighborhood association relatively close to the subject property in  
 26 protest to the proposed zone change. As well, our staff has received a  
 27 number of phone calls against the proposed zone change. With that, the  
 28 applicant is here for any questions you might have of him and staff stands  
 29 for questions as well.

30  
 31 Scholz: Okay, questions for this gentleman? I just have one, Mr. Ochoa, and that  
 32 is...would you go back to the close up of the site plan? Yeah, there it is.  
 33 Are we thinking that there is going to be an exit or an entrance off of  
 34 Indian Hollow, as well as one off of Lohman or is this just a speculative  
 35 plan?

36  
 37 Ochoa: Mr. Chairman, when this was given to me it was just a speculative plan as  
 38 of now. That would be taken care of during the construction phase. As  
 39 you can see under the staff report as well the Traffic Engineer did require  
 40 that a Traffic Impact Analysis be required at the time of construction or  
 41 development of the property. So at that time, I assume, is when they  
 42 would decide on where accesses would be granted to this property.

43  
 44 Scholz: Okay. Any other questions? May we hear from the applicant, please?

45  
 46 Watley: Tom Watley with Steinborn. For full disclosure I do represent the current  
 47 landowner and the potential buyer of this. I was surprised. We've been

1 on about a two-year project with these people that are from Colorado that  
 2 building stores across the Southwest and we've done many site surveys  
 3 and we've looked at Lohman Avenue. Lohman Avenue is always what  
 4 they've come back to: being at the way corner you have Walgreen's and  
 5 it's just progressing that Lohman has become a very popular retail  
 6 corridor. So when we decided to move forward with the possible purchase  
 7 of this corner we were all quite surprised that it was an O-2 zoning,  
 8 considering that everything else along that corridor on both sides of the  
 9 street and all the way behind Foothills is all C-3.

10 I am fully aware of the 2002 Ordinance. I am also aware of the  
 11 2005 and at that time it was very contentious and a lot of objections but I  
 12 think a lot of it had to do with the developer at the time and what was  
 13 going on with him. This site is a retail site, I mean, the corner of it what it's  
 14 designed. O-2 zoning does allow high traffic areas. If you look at it you  
 15 can go back and build medical facilities, which are...you know, you could  
 16 do in-and-out for patient or home healthcare. There is still that possibility  
 17 of having high traffic.

18 When we looked at it, the site proposal, that you saw is just a  
 19 concept. We have lived with the 30-foot buffer, we've asked for the  
 20 increase in height from 25 feet to 30; but really the only purpose of that  
 21 was to hide the HVAC, because that's part of the Lohman Avenue  
 22 Corridor Plan of Lohman so we really haven't changed all that. And also  
 23 when you look at the buffer, and we've got some questions on the  
 24 property lines itself from the ALTA survey that buffer may be even more  
 25 than 30 by the time we get done; it may be almost closer to 40. The  
 26 building height, 30-foot is just to hide the HVAC. It's not going to build a  
 27 30-foot building. It'll have parapets on it. We think this is a good design.

28 We still have a lot of work to do with staff and we're hoping that  
 29 staff...staff has been helpful in helping us with this. I do have somebody  
 30 here from Colorado that is with the developer that if she would like to...her  
 31 name is Monee Ragsdale; if she wants to tell a little bit about the  
 32 company. It's still kind of a hush-hush but that's her option so I will stand  
 33 for questions for now.

34  
 35 Scholz: Okay, questions for this gentleman? I have just one and that is: this lot is  
 36 the only that is O-2 right now in a line of C-3s...

37  
 38 Watley: Yes, Mr. Chairman, and it is the corner lot which it's...you know, the  
 39 interesting thing, if you go up there, and I'm sure you've done your site  
 40 checks, that lot has been just deteriorating now for ten years. The water  
 41 comes down and crosses Indian Hollow, I mean, it's just a big open area  
 42 and if you go one lot over that's still a vacant lot that's owned by Dr.  
 43 Hesser and then you have Millennium Chiropractic so it just kind of stair-  
 44 steps. So it's kind of a low point...and then right there across Indian  
 45 Hollow you have Compass Bank, Keller Williams, another realtor and then  
 46 at Foothills that corner, which is also O-2, which I find kind of intriguing,

1 US Bank is going to be building and I think they've already put their  
2 construction trailer out there. They're going to be building a new bank  
3 branch. So it's just part of the retail traffic going up Lohman.  
4

5 Scholz: Okay. No questions for this gentleman? Okay. We'll open this to public  
6 discussion. Now I understand from the letter I got, it says, "We request  
7 that our spokesman, Board Member Rob Wood be placed on the agenda."  
8 Is Rob Wood here? There you are, Mr. Wood? Are you going to speak  
9 for the whole group?

10  
11 *(Mr. Wood speaking from audience – inaudible)*

12  
13 Scholz: Okay, well, if there are other people who want to speak then we're going  
14 to limit the time. Okay? And what we usually do is limit everybody to  
15 three minutes. Okay? So can you do three minutes?  
16

17 *(Mr. Wood speaking from audience – inaudible)*

18  
19 Scholz: Well, hold on then. How many others want to speak?

20  
21 *(Mr. Wood speaking from audience – inaudible)*

22  
23 Scholz: Okay, and you, ma'am?

24  
25 *(Woman speaking from audience – inaudible)*

26  
27 Scholz: Okay, fine. I'll include you. Yeah. Thank you. Anybody else want to  
28 speak to this? Yes. Okay. There's a fourth person. I'll give you your five  
29 and then I'm going to limit the other people to three.

30  
31 Wood: Thank you very much.

32  
33 Scholz: Okay, go ahead.

34  
35 Wood: Mr. Chairman, Members of the Planning and Zoning Commission. My  
36 name is Robert Wood. I am a resident of the Northeast Foothills  
37 Neighborhood. There used to be a television show on a long time ago  
38 called *Dragnet* and Sergeant Friday used to say, "Just the facts, ma'am.  
39 Just the facts," and that's what I'm going to give you today is just the facts,  
40 not a pie-in-the-sky plan or what somebody proposes they're going to  
41 build there.

42 The Northeast Foothills Neighborhood Association Board  
43 unanimously opposes case Z2853, which proposes to change the zoning  
44 of 3830 East Lohman Avenue, located at the corner of Lohman and Indian  
45 Hollow from O-2C to C-3C. That location is directly adjacent to a  
46 residential area and is inappropriate for a Commercial High Intensity

1 designation. The Northeast Foothills Neighborhood consists of about a  
2 hundred single-family homes on Indian Hollow, Chimney Rock Road and  
3 Squaw Mountain Drive. The neighborhood begins about 175-feet from the  
4 subject property. The report by the City staff does not acknowledge the  
5 existence of these single-family homes, which are the very reason buffer  
6 zoning was established for the subject property. The Lohman Avenue  
7 Overlay Code, which was designed over a decade ago, outlined urban  
8 design criteria for this important city gateway.

9 The current zone of O-2C is consistent with the spirit and intent of  
10 the LAO Code. Application to change the zoning to C-3C is not. The  
11 recent construction of medical offices across Lohman from the subject  
12 property in a district near a hospital demonstrates that there is still a  
13 market for offices, so market conditions continue to make the existing  
14 zoning viable. A high amount of traffic already exists in the area. Indian  
15 Hollow Road is the main access road for residents in the Foothills  
16 Subdivision. Many non-residents use Indian Hollow and Chimney Rock as  
17 a shortcut to and from Missouri to avoid traffic on Telshor.

18 The proposed zoning indicates that and additional seven hundred-  
19 fifty trips will be added to the already high traffic count. The City's report  
20 inaccurately states that no on-street parking is permitted on Indian Hollow.  
21 In reality, parking is allowed on both sides of Indian Hollow in the subject  
22 area. The high level of existing traffic near the property in question is a  
23 safety concern to the residents in the Foothills Subdivision. Since June of  
24 2010 a total of fourteen traffic accidents have documented in the area;  
25 eleven occurring at the intersection of Lohman and Indian Hollow,  
26 precisely where the property in question is located and the remainder  
27 occurring at streets that intersect Indian Hollow within two blocks from that  
28 location. One of the accidents at Lohman and Indian Hollow resulted in  
29 the death of an off-duty police officer. Residents of Northeast Foothills are  
30 already at risk and the proposed rezoning will increase that risk.

31 Recognizing the problems traffic represents to our area, Foothill  
32 residents have worked to improve the safety conditions of the Subdivision.  
33 In the last twelve months the residents have removed trees on their  
34 property that impeded visibility and have worked with the City to introduce  
35 traffic-calming devices, such as street paint and property signs that  
36 indicate the speed limit, in addition to the speed bumps that exist on  
37 Chimney Rock.

38 A change in the zoning of the property in question would reverse  
39 the effects of these efforts and introduce new and increased set of traffic  
40 issues. The proximity of the property in question to a school bus stop is  
41 about a half-block distance poses an additional safety concern. The light  
42 and noise pollution that would be introduced into the residential areas as a  
43 result of the proposed rezoning are equally troublesome. Both light and  
44 noise pollution can distract drivers, disrupt sleep patterns and affect the  
45 overall health and well-being of area residents. Regarding noise pollution  
46 in particular, the World Health Organization links exposure to excessive

1 noise with numerous health risks, such as stress, hypertension and  
 2 cardio-vascular issues. They note that children are particularly  
 3 susceptible to the physiological and cognitive effect of noise pollution.

4 The Las Cruces Development Code indicates that O-2C zoning  
 5 serves as a transition between commercial and residential uses. The  
 6 current O-2C zoning is consistent with the purpose of that Code; while the  
 7 application to change the zoning to C-3C is not. The Las Cruces  
 8 Development Code further indicates that O-2C zoning includes business,  
 9 personal and professional services that can function without generating  
 10 large volumes of vehicular traffic. Development of the property with the  
 11 current O-2C zoning would noticeably increase traffic along both Lohman  
 12 and Indian Hollow; however, development of the property under a C-3C  
 13 zoning would generate and excessive increase in traffic, it would  
 14 negatively impact both the residential neighborhoods that border the  
 15 property in question, as well as others whose principal access is gained  
 16 via Indian Hollow.

17 Because of the concerns for the safety, health and welfare of the  
 18 Foothills Subdivision and for our interest in preserving the character of the  
 19 area all of which would be directly and adversely affected by a zoning  
 20 change we request that the application of zoning from O-2C to O-3C be  
 21 denied and that the current zoning designation be retained. I see no  
 22 reason to allow a decision in favor of the rezoning to go on to City Council  
 23 from this point for them to waste their time in making their decision on  
 24 what has already been denied. Thank you and I hope your decision will  
 25 be made in favor of the residential residents.

26  
 27 Scholz: All right, questions for this gentleman? Commissioner Crane.

28  
 29 Crane: It seems to me that the majority of the objections are based on expected  
 30 traffic changes. Am I right? The street traffic?

31  
 32 Wood: That's part of it. The main objection is the fact that you're changing the  
 33 zoning of this piece of property that was zoned as an entrance to a  
 34 residential area. So the traffic pattern is that, from your traffic studies,  
 35 which the City will have to do; if that's a result of that then, yes, then that is  
 36 part of our issue.

37  
 38 Crane: I'm thinking of the impact of a single retail store on a C-3C, such as we've  
 39 seen planned versus O-2C, which could have, I imagine on a lot that size  
 40 several offices, which could have at some time of the day more traffic than  
 41 a retail location. I'm wondering how firm your concern is that you're going  
 42 to have a much more impact of traffic in a C-3C situation than an O-3C.

43  
 44 Wood: Mr. Commissioner, from Mr. Watley's presentation he said, that I've read,  
 45 that there will potentially be fifty employees working at the retail store that  
 46 will be located there and there will be seven hundred-fifty cars a day

1 leaving and coming there. There aren't fifty people working in a doctor's  
2 office. That requires a very large-sized store to have the manpower of fifty  
3 people.

4  
5 Crane: But you could have more than one office on that location? Could it be a  
6 strip of offices?  
7

8 Wood: I don't know. I'm not an expert on the original zoning. I know that that  
9 was zoned for a low-use...whatever the C-2C...the 2C?...is less volume  
10 than the 3, I mean, that's a known. That's a fact and so the only way  
11 when you drive out of that said piece of property there's only two ways out  
12 of it: you can either go out onto Lohman, which you can only turn right  
13 and go east. The other direction is you have to go onto Indian Hollow and  
14 you try and cross onto Lohman or you go up through the residential area.  
15 So it's a bad situation; (*inaudible*) nothing but incredible congestion of  
16 traffic there at the Indian Hollow and Lohman intersection, which is already  
17 super-bad.  
18

19 Crane: Thank you.  
20

21 Scholz: All right, other questions? I just have one: you talked about the light and  
22 noise pollution. Obviously there's a C-3C zoning already in one, two,  
23 three, four properties surrounding this property and you folks knew that, I  
24 assume, when you moved there right? When you bought property there?  
25

26 Wood: Yes.  
27

28 Scholz: Yeah. Okay. Well, I was just wondering.  
29

30 Wood: And I knew that this was zoned a 2C at the corner there.  
31

32 Scholz: Um-hmm. Okay.  
33

34 Wood: Which made it the entrance to our area more acceptable than having  
35 some type of store there, which...whatever they're proposing at this point  
36 has no bearing on the reality of what will be built there. He can  
37 say... draw it, put his little picture up all day long; but the reality is the  
38 owner of that piece of property will want to maximize his return on  
39 investment and he's going to put in the biggest thing he can put in there  
40 under those zoning restrictions.  
41

42 Scholz: Okay. Thank you. There were three other people who wanted to speak;  
43 the gentleman down front first. I'm going to ask the Secretary of our  
44 Commission, Commissioner Beard... nice to see you, Mr.  
45 Commissioner...and he will be our timekeeper tonight.  
46

1 Warner: Thank you, Mr. Chair. Russ Warner. In 2004 and 2005 I chaired the City  
 2 Infrastructure Committee. It was the very part of the Strategic Plan that  
 3 was being established at that time. Our Committee was charged, were  
 4 looking at all the infrastructure in this city and we were asked to make  
 5 recommendations on infrastructure that would cover the next five, ten,  
 6 fifteen, twenty years. And during our Committee we talked about one of  
 7 the things that really had to be taken care of in this city and that was the  
 8 importance of not establishing areas that are congested and to reduce the  
 9 areas that were already congested.

10 Now I think that fits in pretty well with what you're talking about  
 11 here. I had a lot of people on that Committee and we worked very hard  
 12 and long. I had developers on that Committee and everybody talked  
 13 about, "We have to do this sensibly. We haven't done it sensibly in a lot of  
 14 areas in the past and it's time that we did it." Now there's no question that  
 15 if you go ahead and make this zone change you are going to add to the  
 16 congestion that already exists in the immediate area of Lohman and  
 17 Indian Hollow. Now I'll tell you: go ahead and do it if you want to and I'll  
 18 be at City Council and I'll talk to those folks about it and those folks sitting  
 19 there know darn well what I did on that Infrastructure Committee. So I  
 20 urge you not to do this. Thank you.

21  
 22 Scholz: All right. Questions for this gentleman? Okay, ma'am, come down and  
 23 identify yourself, please.

24  
 25 Taylor: Mr. Chairman and Commissioners. Thank you for hearing me and thank  
 26 you, Mr. Ochoa, for...I spoke with you today and thank you for doing the  
 27 research that I asked you to do.

28  
 29 Scholz: Say on mike, please.

30  
 31 Taylor: I asked Mr. Ochoa...

32  
 33 Scholz: And would you identify yourself, please?

34  
 35 Taylor: Pardon?

36  
 37 Scholz: Tell us who you are.

38  
 39 Taylor: I'm Armenia Taylor.

40  
 41 Scholz: Thank you very much.

42  
 43 Taylor: And we live right next door to where this is supposed to take place. We  
 44 did have a very contentious meeting with the City Council in 2005 over this  
 45 same thing and it had nothing to do with the developer at that time. It had  
 46 to do with exactly what's happening right now. We live in a complex that

1 has twelve units: each one of those are individually owned and we pay  
 2 taxes. And we were not notified by anybody that this was taking place. I  
 3 happened to find out from Mr. Wood that took a flyer around to us about  
 4 this. We are individually owned and we're hoping that you do not have  
 5 this happen to us. We have had so much noise pollution in our area. We  
 6 have people there...the woman that lives right on the end of where this is  
 7 being built is disabled. She's going to have all that noise. Some young  
 8 man that bought the place next to her just recently would not have bought.  
 9 He just signed the papers about two weeks ago...would not have bought  
 10 that had he known this was taking place. We will have trouble selling our  
 11 units if we want to. We have had problems with that since all of this has  
 12 happened. Originally that was supposed to be a cul-de-sac.

13 We were not notified: all of a sudden there was Indian Hollow  
 14 Road went into Lohman. There's a lot of things that have happened. I  
 15 would ask you and I asked the City Manager in 2005 and the Community  
 16 Development person in 2005 to please notify us. You know how they  
 17 notified us this time? They sent it to the same person...they sent it to the  
 18 man who has since has deceased that built those places. Nobody has  
 19 notified any of us, any of the twelve units, the individually owned twelve  
 20 units there and we would request that that is a change that is made  
 21 immediately. I asked that before and we were told that that would take  
 22 place and it hasn't taken place. I'm very disturbed. We found out about  
 23 this three days ago...about this meeting three days ago.

24 I'm asking that you do not approve this or at least you table it  
 25 because this is a very, very serious thing for us who live in that complex  
 26 and the people across the street. The bank is not a problem. It is a C-2,  
 27 it's not a problem. They are only there for a couple hours. There's also a  
 28 doctor's office in there and when you talk about doctors' offices people  
 29 make appointments and there's not that many people that come to the  
 30 doctors' offices. But the noise that's over there is terrible and the traffic is  
 31 terrible because they do use that as a cut-through to go to Missouri.

32 Something needs to happen over there in terms of the traffic even if  
 33 this... I mean, this goes through maybe they should make that a cul-de-  
 34 sac again and then we wouldn't have a problem. Thank you.

35  
 36 Scholz: Okay, questions for this lady? Okay, thank you very much.

37  
 38 Taylor: Thank you.

39  
 40 Scholz: There was a lady over here also wanted to speak.

41  
 42 Boles: Thank you, Mr. Chair. My name is Pamela Boles. My husband and I are  
 43 fairly new residents to Chimney Rock. We enjoy the neighborhood  
 44 immensely. We will not do so if the traffic impact is as proposed. I would  
 45 also like to point out to Mr. Watley, when he pointed out that the  
 46 Walgreen's also sits at Roadrunner and Lohman and that it has not

1 impacted that neighborhood. I might want to point out that Roadrunner  
2 does not go through to any residential units at that end of Roadrunner.  
3 Everybody with those businesses uses Lohman. We are very upset that  
4 you are planning on changing the zoning and I can only support Mr. Wood  
5 in his presentation that this is not the right plan for the neighborhood.  
6 Thank you.  
7

8 Scholz: Okay. Questions? All right, thank you very much. Anyone else in the  
9 public wish to speak to this? Go ahead.

10  
11 Beerman: I'm William Beerman. I live on Squaw Mountain Drive, a short distance  
12 from this proposed rezoning area and I didn't plan to speak but when I  
13 heard the references to the existing commercial not impacting the  
14 neighborhood, I just thought that I should mention that we bought our  
15 house in 2007 before Walgreen's was built and, with all the talk by the City  
16 government about light controls, Walgreen's absolutely lit up our  
17 neighborhood and there's talk about that going twenty-four hours. Then  
18 as someone else said, we have no problem with the existing property on  
19 the other side of Indian Hollow that's zoned for Office, with the bank and  
20 lawyers' office and the physicians' office. So I would hate to see the  
21 character of our neighborhood change, our property values decline further  
22 and traffic hazards increased. That's all I have.  
23

24 Scholz: Okay. Any questions here, gentlemen? Okay, anyone else from the  
25 public want to speak to this? I'll close it for public discussion. Gentlemen,  
26 you have questions, comments? Commissioner Crane.  
27

28 Crane: I'm impressed by the fact that there's only two patches of O-2C on the  
29 zoning map and everything else on Lohman is C-3C or C-3. That makes  
30 me rather sympathetic to the neighborhood residents; because as C-3C is  
31 built out and about half the lots right now are vacant I think they will have  
32 an impact on their lives. And if they would prefer to keep the O-2C I'm  
33 sympathetic to that.  
34

35 Scholz: Okay. Commissioner Stowe, I see you reaching for your button.

36  
37 Stowe: A number of people have mentioned that currently there are noise issues  
38 for people using Indian Hollow as a shortcut instead of using Telshor so  
39 you are already experiencing a problem with noise. I am not sure how  
40 much more noise would be the result of a retail outlet in that lot. That's it.  
41

42 Scholz: Okay. Commissioner Beard.

43  
44 Beard: I think it's important that there is an O-2 buffer between the C-3s and the  
45 other residential properties and this property that we're talking about today  
46 actually has that major thoroughfare that cuts through there and I can see

1 where the traffic would be a problem if that were upgraded to a C-3 and  
2 allowed to go to its maximum traffic density. So I do have a concern of  
3 changing that coding right there. I do like the ideas of having buffers there  
4 to the south a little bit. There's an O-1C buffer between the C-3. That's  
5 put there for a reason and I like it.  
6

7 Scholz: Okay. Commissioner Evans, any comments?

8  
9 Evans: I think, ultimately, when all the C-3 is developed, I mean, you're going to  
10 feel that development and one thing to consider is that if they were to ever  
11 develop that corner lot they may put in a traffic light, which would control  
12 some of the traffic and reduce some of the flow going back and forth. So,  
13 ultimately, I don't see a big change one way or the other, whether it's O-  
14 2C or C-3.  
15

16 Scholz: All right, if there's no additional discussion, gentlemen, I'll entertain a  
17 motion to approve.  
18

19 Beard and Crane: So moved.  
20

21 Scholz: It was a tie between Crane and Beard so actually...Beard moved and  
22 Crane seconded. Okay, that's good. All right, I'll call the role.  
23 Commissioner Crane.  
24

25 Evans: Do we need to have conditions?  
26

27 Scholz: Conditions read? Well, Mr. Ochoa read the conditions. If you would bring  
28 it back to the screen, Commissioner Beard you are going to read the  
29 conditions for us.  
30

31 Beard: The conditions shall include: 1) the building height shall be limited to 30  
32 feet and restricted to a maximum of one story per Ordinance 1954; 2) a  
33 30-foot wide landscape buffer shall be provided along the southern  
34 boundary of the subject property per Ordinance 1954; 3) the subject  
35 property shall prohibit any temporary uses except for a temporary  
36 construction yard per Ordinance 1954; 4) permitted uses on the subject  
37 property shall be limited to general retail uses listed in Attachment #4; 5)  
38 the applicant shall be required to dedicate the section of the subject  
39 property that makes up Indian Hollow Road, 1999 Comprehensive Plan  
40 Goal 2, Objective 1, Policy 6f; 6) the applicant shall be required to provide  
41 improvements to Indian Hollow road including curb, gutter and sidewalk at  
42 the time of development of the property, 1999 Comprehensive Plan goal  
43 2, Objective 1, Policy 6f.  
44

45 Scholz: All right. So you are moving approval of this with the conditions as read.  
46 Okay, I'll call the role. Commissioner Crane.

1  
 2 Crane: Nay, findings and discussion.  
 3  
 4 Scholz: Commissioner Stowe.  
 5  
 6 Stowe: Aye, findings, discussion and site visit.  
 7  
 8 Scholz: Commissioner Evans.  
 9  
 10 Evans: Aye, findings, discussion.  
 11  
 12 Scholz: Commissioner Beard.  
 13  
 14 Beard: No, findings and discussions.  
 15  
 16 Scholz: And the Chair votes aye, findings, discussion and site visit. So it passes 3  
 17 to 2. Okay, thank you, gentlemen. Thank you, folks.  
 18

19 **VIII. OTHER BUSINESS – NONE**

20  
 21 Scholz: All right, any other business, Mr. Ochoa?  
 22  
 23 Ochoa: No, sir, none tonight.  
 24

25 **IX. PUBLIC PARTICIPATION**

26  
 27 No public left in the audience.  
 28

29 **X. STAFF ANNOUNCEMENTS**

30  
 31 Scholz: Any staff announcements? I see someone rising to staff. Yes.  
 32  
 33 Harrison-Rogers: Yes, we have a few announcements this evening. This is Katherine  
 34 Harrison-Rogers for staff, Mr. Commissioner, Members of the Planning  
 35 Commission. We would like to introduce a new Planner, Susana  
 36 Montana. She's hiding over in the corner right there. We are really  
 37 excited to have her on board. She has a wealth of experience and we  
 38 look forward to her working with us.  
 39  
 40 Scholz: Great! Thank you.  
 41  
 42 Harrison-Rogers: Additionally, I just wanted to note that Mr. Paul Michaud did hand  
 43 out the final version of Vision 2040 as was approved by the County and  
 44 City Council.  
 45  
 46 Scholz: Right! That's the bound version we have on our desk.

**NORTHEAST FOOTHILLS  
NEIGHBORHOOD ASSOCIATION**

*Neighbors Becoming Friends*

3340 Squaw Mountain Drive

Las Cruces, NM 88011

[Chairpersons@NEFoothills.com](mailto:Chairpersons@NEFoothills.com)

Phone: 575-532-9398

Fax: 575-532-5846

May 21, 2012

Mr. Adam Ochoa  
Planner  
City of Las Cruces  
PO Box 2000  
Las Cruces, NM 88004-9002

**Subj: Zoning Change Request -- Case Z2853  
3830 East Lohman Avenue**

Dear Mr. Ochoa,

Attached is an advance copy of a statement developed by the Northeast Foothills Neighborhood Association in response to our Board of Directors' unanimous vote at our quarterly meeting Tuesday, May 15, 2012, to oppose the subject rezoning request.

The statement outlines our reasons for believing the rezoning request should be denied by the Las Cruces Planning and Zoning Commission.

Our intent is that our spokesperson, Mr. Robert Wood, will present the statement to the Commission at the May 22 public hearing on the matter.

Would you kindly forward our statement to the members of the Planning and Zoning Commission as early as possible in advance of the hearing?

Thank you,

*Martha Beerman*  
MARTHA BEERMAN  
Co-chairperson

*Rosa Lopez*  
ROSA LOPEZ  
Co-chairperson

**Statement to be Delivered to the Planning and Zoning Commission  
at a Public Hearing Tuesday, May 22 at 6 p.m. at City Hall**

The NE Foothills Neighborhood Association Board unanimously **opposes** Case Z2853 which proposes to change the zoning of 3830 E. Lohman Avenue; Parcel ID# 02-27849, located at the corner of Lohman and Indian Hollow from O-2C to C-3C. That location is directly adjacent to a residential area and is inappropriate for a Commercial High Intensity designation. The Northeast Foothills Neighborhood consists of about 100-single family homes on Indian Hollow Road, Chimney Rock Road, and Squaw Mountain Drive. The neighborhood begins about 175 feet from the subject property. The report by the city staff does not acknowledge the existence of these single family homes, which are the very reason buffer zoning was established for the subject property.

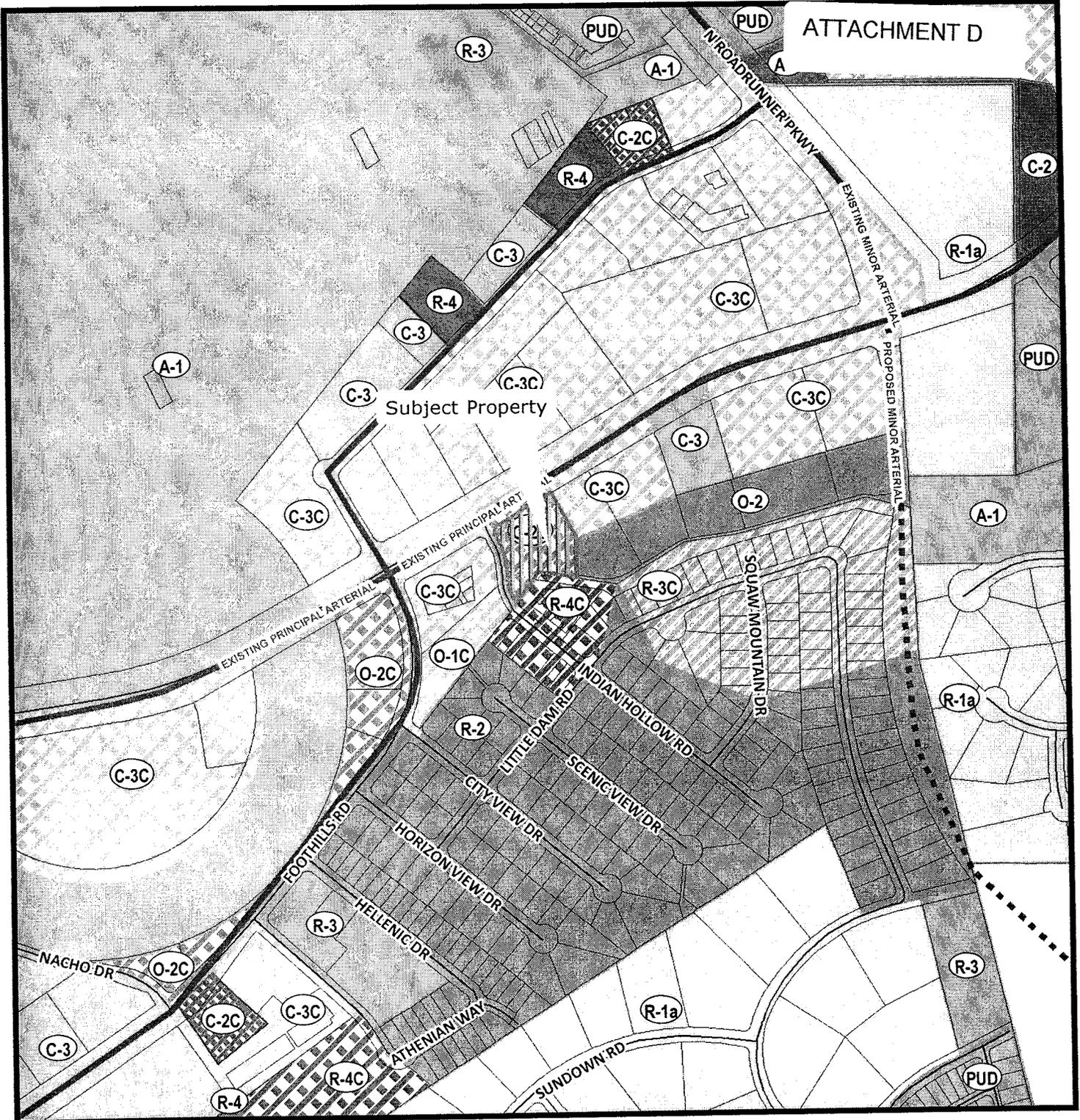
- The Lohman Avenue Overlay Code, which was designed over a decade ago, outlined urban design criteria for this important city gateway. The current zone of O-2C is consistent with the spirit and intent of the LAO Code, while the application to change the zoning to C-3C is not. The recent construction of medical offices across Lohman from the subject property, in a district near a hospital, demonstrates that there is still a market for offices, so market conditions continue to make the existing zoning viable.
- A high amount of traffic already exists in the area. Indian Hollow Road is the main access road for residents in the Foothills subdivision. Many non-residents use Indian Hollow and Chimney Rock as a short-cut to and from Missouri to avoid traffic on Telshor. The proposed rezoning indicates that an additional 750 trips will be added to the already high traffic count.
- The city's report inaccurately states that no on-street parking is permitted on either Lohman or Indian Hollow, however, parking is allowed on both sides of Indian Hollow.
- The high level of existing traffic near the property in question is a safety concern to the residents of the Foothills subdivision. Since June of 2010, a total of 14 traffic accidents have been documented in the area; 11 occurring at the intersection of Lohman and Indian Hollow, precisely where the property in question is located and the remainder occurring at streets that intersect Indian Hollow within two blocks from that location. One of the accidents at Lohman and Indian Hollow resulted in the death of an off-duty police officer. Residents of Northeast Foothills are already at risk, and the proposed rezoning will increase that risk.
- Recognizing the problems traffic represents to our area, Foothills residents have worked to improve the safety conditions of the subdivision. In the last 12 months, residents removed trees on their property that impeded visibility and have worked with the city to introduce traffic calming devices, such as street paint and property signs that indicate the speed limit in addition to the speed humps that exist on Chimney Rock. A change in

the zoning of the property in question would reverse the effects of these efforts and introduce a new and increased set of traffic issues.

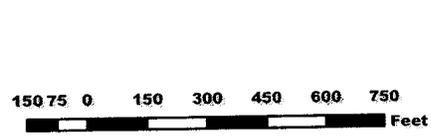
- The proximity of the property in question to a school bus stop (1/2 block distant) poses an additional safety concern.
- The light and noise pollution that would be introduced into the residential area as a result of the proposed rezoning are equally troublesome. Both light and noise pollution can distract drivers, disrupt sleep patterns, and affect the overall health and well-being of area residents. Regarding noise pollution in particular, the World Health Organization links exposure to excessive noise with numerous health risks such as stress, hypertension, and cardiovascular issues. They note that children are particularly susceptible to the physiological and cognitive effects of noise pollution.
- The Las Cruces Development Code indicates that O-2C zoning “serves as a transition between commercial and residential uses”. The current O-2C zoning is consistent with the purpose of that code, while the application to change the zoning to C-3C is not.
- The Las Cruces Development Code further indicates that O-2C zoning includes “business, personal and professional services that can function without generating large volumes of vehicular traffic.” Development of the property with the current O-2C zoning would noticeably increase traffic along both Lohman and Indian Hollow, however, development of the property under a C-3C zoning would generate an excessive increase in traffic that would negatively impact both the residential neighborhoods that border the property in question as well as others whose principle access is gained via Indian Hollow.

Because of the concerns for the safety, health and welfare of the residents of the Foothills subdivision and for our interest in preserving the character of the area, all of which would be directly and adversely affected by a zoning change, we request that the application of a zoning change from O-2C to C-3C be denied and that the current zoning designation be retained.

ATTACHMENT D



Legend		
	EXISTING LIMITED ACCESS	
	EXISTING PRINCIPAL ARTERIAL	
	EXISTING MINOR ARTERIAL	
	EXISTING COLLECTOR	
	PROPOSED LIMITED ACCESS	
	Non Designated Trail	
	Proposed Unpaved EBID	
	Interstates_Highway	
	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.