

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 13

Ordinance/Resolution# 2679

For Meeting of February 19, 2013  
(Ordinance First Reading Date)

For Meeting of March 4, 2013  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 4.412 ± ACRES OF LAND COMPRISED OF TEN (10) DIFFERENT PARCELS AND A PORTION OF ONE (1) OTHER PARCEL LOCATED ON THE NORTHEAST CORNER OF MAIN STREET AND PICACHO AVENUE. SUBMITTED BY BOHANNAN HUSTON, INC. (Z2858).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<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 properties located on the northeast corner of Main Street and Picacho Avenue, north of Albert Johnson Park. The subject area currently contains multiple commercial buildings with multiple businesses and offices and a portion of a parcel currently owned by the City of Las Cruces. The applicant is proposing to demolish the existing commercial buildings and redevelop the area into a new CVS pharmacy. The applicant will also be seeking to replat the existing parcels into one (1) new parcel. The proposed replatted parcel will exceed the one (1) acre maximum lot size permitted in the C-2 zoning district. The proposed zone change to C-3 would facilitate compliance with the 2001 Zoning Code, as amended, with the lot size requirement. The redevelopment of the properties indicates a reinvestment in downtown that could potentially encourage future redevelopment in the area. The properties are located on the corner Main Street, an existing principal arterial roadway as classified by the Metropolitan Planning Organization (MPO), and Picacho Avenue an existing minor arterial roadway, where high intensity commercial zoning such as the proposed C-3 zoning designation are encouraged.

On January 22, 2013, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 5-0-0, (one Commissioner absent, one Commissioner vacancy). During the meeting, discussion took place on the proposed design of the new development. There was a discussion on the matter of how the site is at a geographic entrance point into the Central Business District and Main Street Plaza Overlay, including the newly renovated Main Street and that the proposed development should provide more of an urban style and encourage a more pedestrian friendly atmosphere as desired in the Central Business District and Main Street Overlay. Two members from the public voiced their support for the proposed zone change and project design, while a third member of the public sought clarification as to the proposed use of Willoughby Avenue for the proposed project. Please see Attachment "B" for the complete minutes from the Planning and Zoning Commission meeting.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2858.
5. Attachment "B", Draft minutes from the January 22, 2013 Planning and Zoning Commission meeting.
6. Attachment "C", Vicinity Map.

**SOURCE OF FUNDING:**

Is this action already budgeted?     N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	<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:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject area encompassing 4.22 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity). The zone change facilitates the redevelopment and replatting of the subject property for a new pharmacy.
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. 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.
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.** 13-024  
**ORDINANCE NO.** 2679

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 4.412 ± ACRES OF LAND COMPRISED OF TEN (10) DIFFERENT PARCELS AND A PORTION OF ONE (1) OTHER PARCEL LOCATED ON THE NORTHEAST CORNER OF MAIN STREET AND PICACHO AVENUE. SUBMITTED BY BOHANNAN HUSTON, INC. (Z2858).**

The City Council is informed that:

**WHEREAS**, Bohannan Huston, Inc. has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for ten (10) different parcels and a portion of one (1) other parcel located at the northeast corner of Main Street and Picacho Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on January 22, 2013, recommended that said zone change request be approved by a vote of 5-0-0 (one Commissioner absent, one Commissioner vacancy).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity).

**(II)**

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

**(III)**

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

(IV)

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

DONE AND APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2013.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

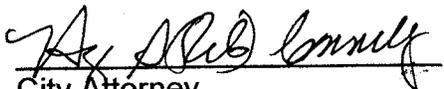
\_\_\_\_\_  
City Clerk

(SEAL)

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

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

APPROVED AS TO FORM:

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

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

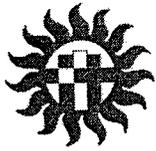
Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_



**Findings**

1. The subject parcels currently encompass a total of 4.22 ± acres, are zoned C-2 (Commercial Medium Intensity) and consist of multiple buildings with multiple businesses and offices.
2. The subject property is located on the corner Main Street, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO), and Picacho Avenue, an existing Minor Arterial roadway, where high intensity commercial zoning such as the proposed C-3 zoning designation are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3b)
3. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of 1999 Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Planning & Zoning Commission Staff Report

Meeting Date: January 22, 2013 *AD*  
Drafted by: Adam Ochoa, Planner

**CASE #** Z2858      **PROJECT NAME:** 900 N. Main Street  
(Zone Change)

**APPLICANT/  
REPRESENTATIVE:** Bohannan Huston,  
Inc.      **PROPERTY  
OWNER:** Multiple Property  
Owners

**LOCATION:** Located on the  
northeast corner of  
Main Street and  
Picacho Avenue      **COUNCIL  
DISTRICT:** 1 (Councillor Silva)

**SIZE:** 4.22 ± acres      **EXISTING ZONING/  
OVERLAY:** C-2 (Commercial  
Medium Intensity)

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

**EXISTING USE:** Multiple Businesses

**PROPOSED USE:** The redevelopment and replatting of the existing properties for a  
new pharmacy

**STAFF  
RECOMMENDATION:** Approval with conditions based on findings

**TABLE 1: CASE CHRONOLOGY**

Date	Action
November 30, 2012	Application submitted to Development Services
December 3, 2012	Case sent out for review to all reviewing departments
December 14, 2012	Final comments returned by all reviewing departments
December 6, 2012	Staff reviews and recommends approval of the zone change
January 6, 2013	Newspaper advertisement
January 11, 2013	Public notice letter mailed to neighboring property owners
January 11, 2013	Sign posted on property
January 22, 2013	Planning and Zoning Commission public hearing

## SECTION 1: SYNOPSIS OF PROPOSAL

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is to facilitate the redevelopment the existing properties. The applicant is proposing to demolish all of the existing commercial buildings on the subject properties and replat the existing parcels into one (1) new parcel where a new pharmacy will be constructed. The zone change is required for the subject property before any redevelopment or replatting is permitted.

The proposed zone change is for the following six (6) parcels designated by the applicant:

- Parcel A; Parcel ID# 02-04438; also known as 900 N. Main Street encompasses 0.214 ± acres and currently consists of a building with multiple businesses.
- Parcel B; Parcel ID# 02-28344; also known as 940 N. Main Street encompasses 0.544 ± acres and also currently consists of a building with multiple businesses.
- Parcel C; Parcel ID# 02-28340; also known as 960 N. Main Street encompasses 0.1935 ± acres and currently consists of one building with one business in it.
- Parcel D; Parcel ID# 02-04426; also known as 980 N. Main Street encompasses 0.164 ± acres and currently consists of a vacant commercial building.
- Parcel E; Parcel ID# 02-04440; also known as 990 N. Main Street encompasses 0.9427 ± acres and currently consists of an office building and three vacant commercial buildings.
- Parcel F; Parcel ID# 02-22254; also known as 201 E. Picacho Avenue encompasses 2.1726 ± acres and is a portion of parcel currently owned by the City of Las Cruces and currently consists of Fire Station No. 1. The Las Cruces Lateral runs through the center of this area.

It should be noted that the subject area is actually made up of eleven (11) individual parcels, each with its own Parcel Identification Number. The smaller parcels appear to be remainder parcels that were grouped together with the larger parcels by the applicant into the six (6) parcels listed above. The issue will be resolved during the replatting process for the redevelopment project.

**TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS**

Standard	Existing	Proposed	Zoning Code Req.
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	Minimum 10 DU/ac., 40 DU/ac maximum
Lot Area	4.22 ± acres total from all existing lots	4.22 ± acres	0.50 ± acres min./ no max
Lot Width	Variable	419 ± feet	60 feet minimum
Lot Depth	Variable	398 ± feet	70 feet minimum
Structure Height	18 ± feet is the tallest building	Unknown	60 feet maximum
Setbacks			
Front	0 feet for the closest building	Unknown	15 feet minimum
Side	2 ± feet for the closest building	Unknown	5 feet minimum
Side	0 feet for the closest building	Unknown	5 feet minimum
Rear	15 ± feet for the closest building	Unknown	15 feet minimum
Accessory Structure	N/A	N/A	N/A

ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	Unknown	Unknown, but shall follow all landscaping requirements during the redevelopment	15 %
Buffering			
Bufferyard	N/A	N/A	N/A
Screen Type	N/A	N/A	N/A
Open Space, Trails, Parks, Recreation			
Acreage	N/A	N/A	N/A
Type	N/A	N/A	N/A
Other	N/A	N/A	N/A

**TABLE 3: SPECIAL CHARACTERISTICS**

Characteristic	Applies to Project?	Explanation
EBID Facilities	Yes	The Las Cruces Lateral is adjacent to the east of the subject area. The proposed redevelopment will not affect the Lateral.
Medians/ Parkways Landscaping	No	
Other	N/A	

**TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION**

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Multiple Commercial Uses	N/A	C-2 (Commercial Medium Intensity)
North	Multiple Commercial/ Office Uses	N/A	C-2 (Commercial Medium Intensity)
South	City Park	N/A	CBD (Central Business District) and Main Street Overlay
East	Las Cruces Fire Station	N/A	C-2 (Commercial Medium Intensity)
West	Shopping Center	N/A	C-3 (Commercial High Intensity)

**TABLE 5: PARCEL HISTORY**

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A

**SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS**

For specific comments and/or conditions, see attached.

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes with Concerns	No

CLC Long-Range Planning	Yes with Concerns	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	Yes
CLC Traffic	Yes	No
CLC Land Management	Yes	Yes
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	Yes
CLC Utilities	Yes	No
NMDOT	Yes	No

**SECTION 3: STAFF ANALYSIS AND CONCLUSIONS**

Decision Criteria

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of this Code, Section 38-2 and 36-1 of the Sign Code, when appropriate, and determine whether the request is consistent or inconsistent with stated criteria. The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

1. Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
2. Unreasonably increase the traffic in public streets.
3. Increase the danger of fire or endanger the public safety.
4. Deter the orderly and phased growth and development of the community.
5. Unreasonably impair established property values within the surrounding area.
6. In any other respect impair the public health, safety or general welfare of the city.
7. Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change which is out of harmony with the comprehensive plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

As mentioned above, Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended, identifies the Purposes and Intent of the Zoning regulations and should also be utilized as part of the decision criteria. The relevant purpose and intent statements to the proposed rezoning are:

- A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements, which are designed to;
- B. Encourage innovations in land development and redevelopment;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods;
- M. Foster a more rational relationship between different land uses for the mutual benefit of all;
- N. Conserve the value of buildings and land;

In addition to those decision criteria required by the City of Las Cruces Municipal and Zoning Codes, there are also measures based on case law to consider when evaluating rezoning requests which include the following:

1. There was an error when the existing zoning map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or

3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other applicable City master plan(s), even though criterion (1) or (2) above do not apply because
  - a. there is a public need for a change of the kind in question, and
  - b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Applicable Comprehensive Plan Elements & Policies

As specified by the decision criteria listed above, the proposal should be in concert with the 1999 Comprehensive Plan. The following polices from the 1999 Comprehensive Plan are relevant to the current proposal:

Urban Design Element

1. Goal 3, Objective 9, Policy 3.9.1
2. Goal 3, Objective 9, Policy 3.9.3
3. Goal 3, Objective 9, Policy 3.9.4
4. Goal 3, Objective 10, Policy 3.10.4
5. Goal 3, Objective 10, Policy 3.10.5

Land Use

1. Goal 1, Objective 5, Policy 1.5.3

Please refer to Attachment #5 for a detailed description of the Comprehensive Plan Policies listed above.

Analysis & Conclusion:

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is for multiple parcels including the portion of a parcel owned by the City of Las Cruces encompassing a total of 4.22 ± acres and located directly across the street north of the Central Business District and Main Street Plaza Overlay. The existing parcels currently consist of multiple buildings with multiple businesses and offices. The applicant is seeking to redevelop the subject area with a new pharmacy. The applicant will be replatting the existing parcels into one (1) new parcel that will exceed the one (1) acre maximum lot size permitted in the C-2 zoning district, but would be in compliance with the development standards of the C-3 zoning district. Redevelopment of the properties may help conserve or potentially increase the value of surrounding buildings and land in the area or act as an economic catalyst for future redevelopment. The subject property is located on the corner Main Street, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO), and Picacho Avenue, an existing Minor Arterial roadway, where high intensity commercial zoning such as the proposed C-3 zoning designation are encouraged.

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the goals and objectives of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code;
- The uses of the C-3 Zoning District are harmonious with the uses and zoning districts of surrounding area; and
- The redevelopment of underutilized buildings and land will benefit the surrounding neighborhood and City as a whole;

Although staff does not have trepidations about the zone change, staff does have one concern regarding the physical site development in relation to the adjacent Central Business District and Main Street Plaza Overlay. As the site is a geographic entrance to the Central Business District and Main Street Plaza

Overlay, including the newly renovated Main Street, it is Community Development Staff's opinion that the site should be developed with the building closer to the street to provide a more pedestrian friendly atmosphere and to follow more of the urban style existing and encouraged in the adjacent Central Business District and Main Street Plaza Overlay. The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the city with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the following "Main Street Plaza" overlay zone are identified as a special area within the central business district (CBD) to encourage revitalization through incentives and clearly defined development standards. The urban design concepts and standards outline by the Main Street Plaza Overlay would complement the adjacent overlay areas while creating a gateway to the downtown area.

It should be noted that the applicant has submitted modified building elevations showing a southwest style building more in keeping of the architecture of the area. The applicant has also submitted a modified site plan showing how the new development will provide pedestrian access to the new business with an integral-colored concrete area adjacent to public sidewalks and pathways leading to the building.

### **DRC RECOMMENDATION**

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

### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed zone change based on the following findings listed below:

### **FINDINGS FOR APPROVAL**

1. The subject parcels currently encompass a total of 4.22 ± acres, are zoned C-2 (Commercial Medium Intensity) and consist of multiple buildings with multiple businesses and offices.
2. The subject property is located on the corner Main Street, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO), and Picacho Avenue, an existing Minor Arterial roadway, where high intensity commercial zoning such as the proposed C-3 zoning designation are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3b)
3. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of 1999 Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

### **ATTACHMENTS**

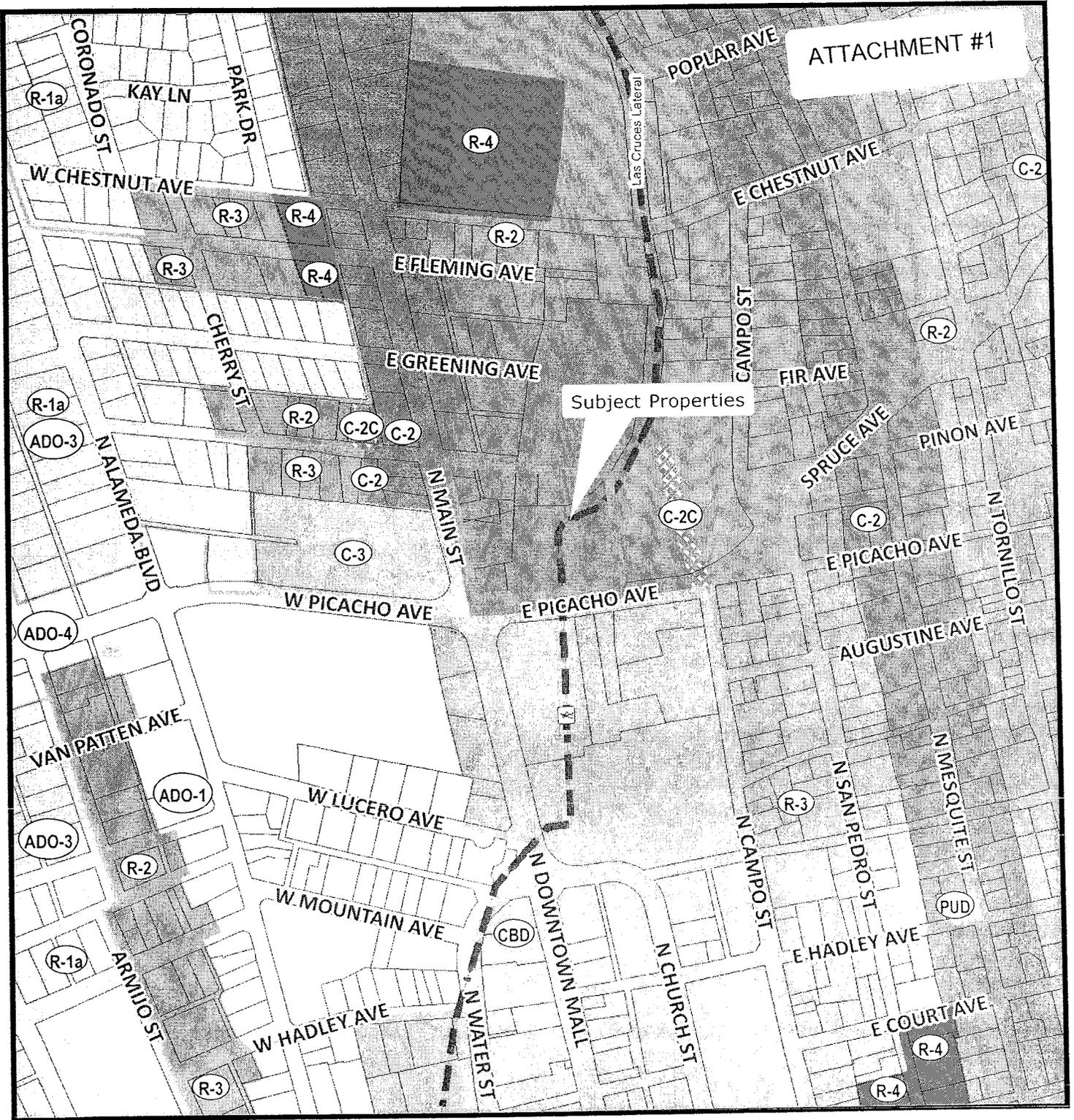
1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Applicant's Site Plans/Elevations
5. Comprehensive Plan Elements and Policies
6. Reviewing Department/Agency Comments and/or Conditions

ZONING: C-2 TO C-3  
OWNER: MULTIPLE

# 336 Zone Map

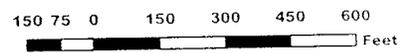
PARCEL: MULTIPLE  
DATE: 1/11/2013

ATTACHMENT #1



**Legend**

- Non Designated Trail
- Proposed Paved EBID
- Proposed Unpaved EBID
- City Parcel
- Interstates\_Highway
- EBID Water System
- Railroad



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

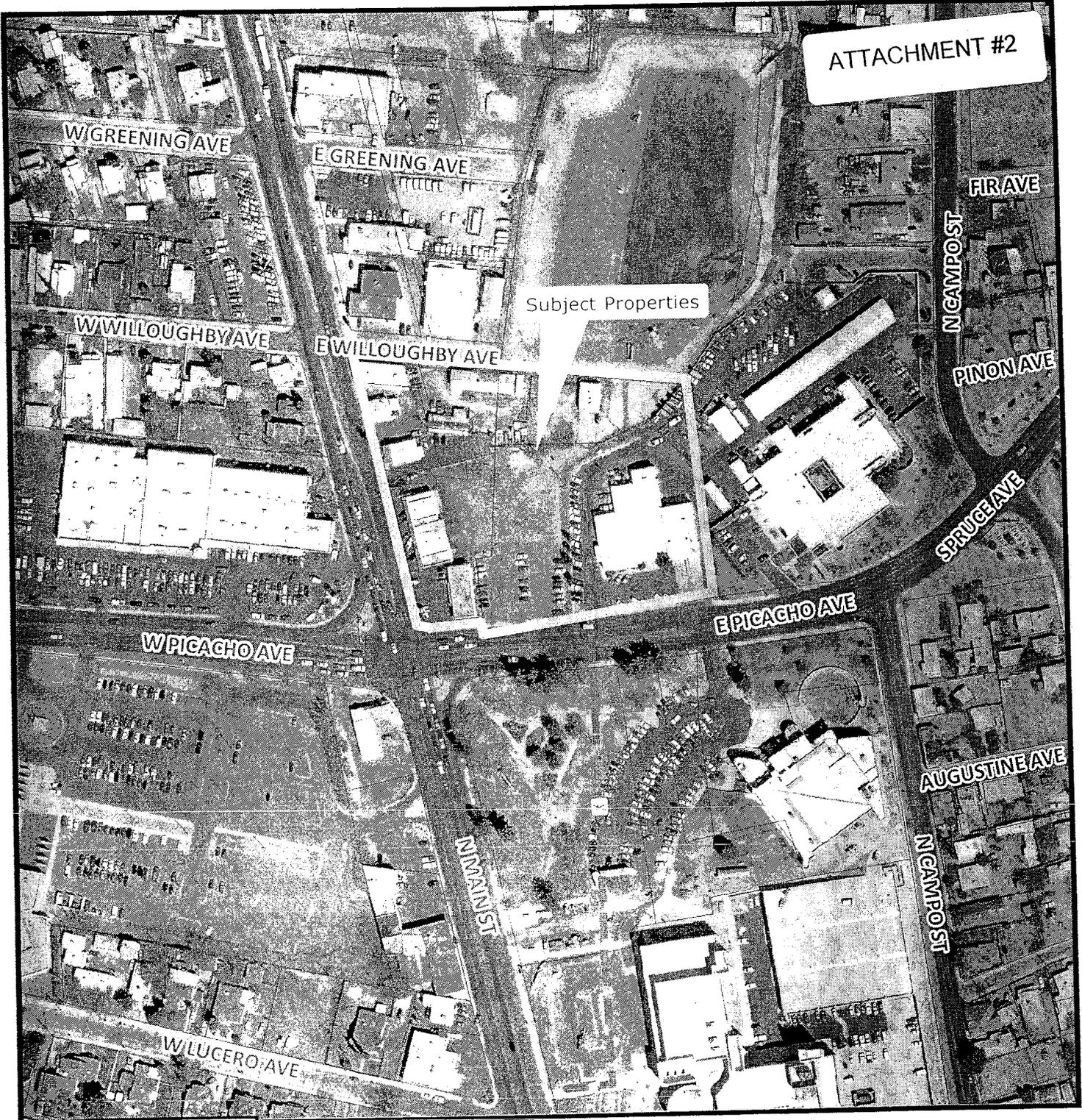
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

ZONING: C-2 TO C-3  
OWNER: MULTIPLE

# 337 Aerial View

PARCEL: MULTIPLE  
DATE: 1/11/2013

ATTACHMENT #2



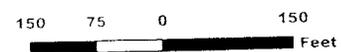
Subject Properties

## Legend

DAC\_2010.ecw

RGB

-  Red Band\_1
-  Green Band\_2
-  Blue Band\_3



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

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### 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: BOHANNAN HUSTON, INC.

Contact Person: SCOTT STEFFEN

Contact Phone Number: (505) 798-7848

Contact e-mail Address: SSTEFFEN@BHINC.COM

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

#### Proposal Information

Name of Proposal: CNS PHARMACY

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

Location of Subject Property NEC PICACHO & MAIN  
(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: TOTAL OF 6 PARCELS 4.22 ACRES

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

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

Zoning of Subject Property: C-2

Proposed Zoning (If applicable): C-3

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

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

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

14,500 SF / 28' - 8" +/-

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

24 Hours

Anticipated traffic generation 1,400 trips per day.

Anticipated development schedule: work will commence on or about \_\_\_\_\_

and will take SIX MONTHS to complete.

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

ON-LOT PONDING

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). \_\_\_\_\_

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

Is there existing landscaping on the property? NO

Are there existing buffers on the property? NO

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

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

How many spaces? 46 MARKED How many accessible? 2 MARKED

**Attachments**

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

Location map

Subdivision Plat (If applicable)

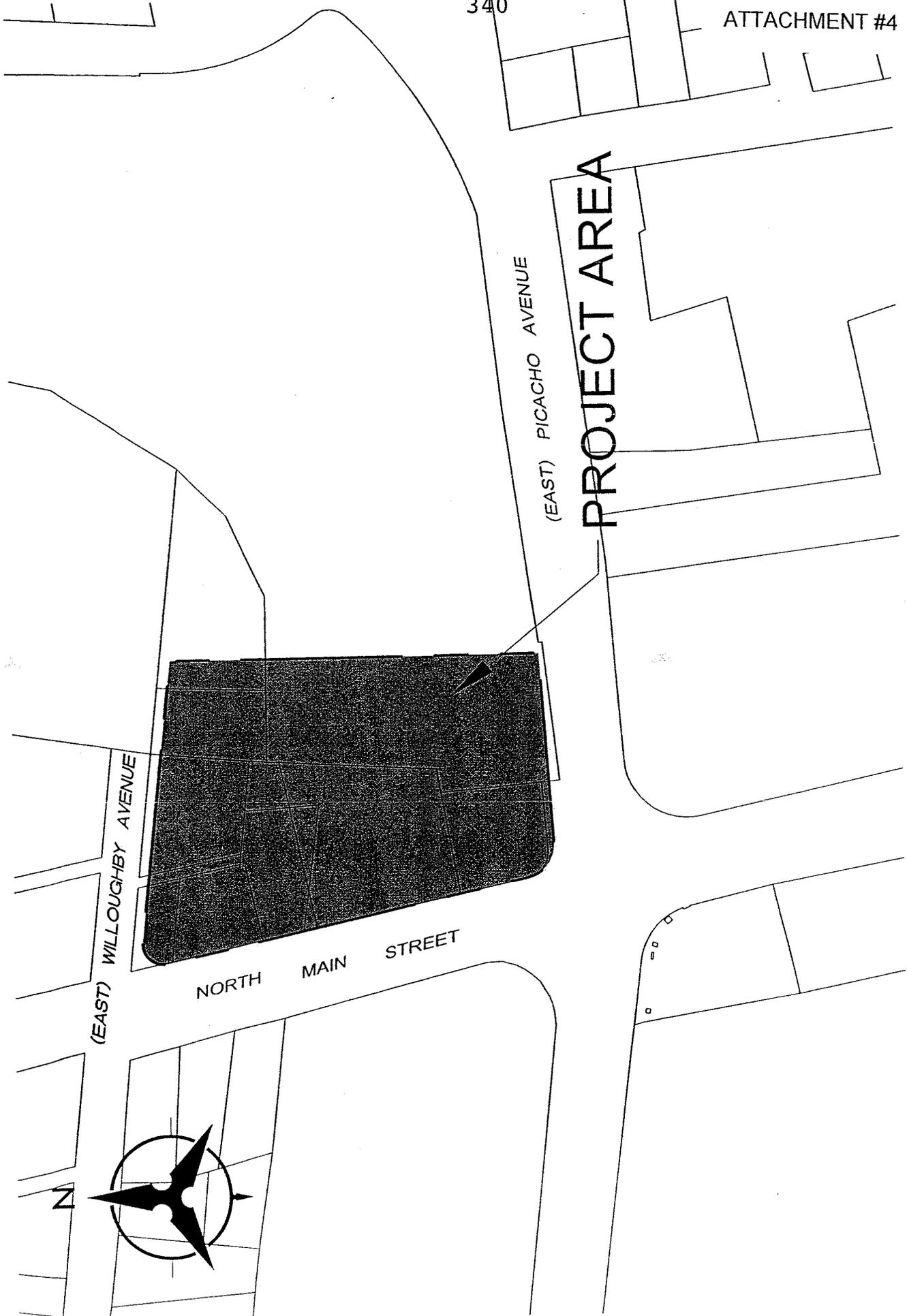
Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information

340

ATTACHMENT #4



VICINITY MAP

**Detailed Description of Existing Use of Property:**

The zone change request includes 6 properties, referenced as Parcels A-F on the included exhibits. Parcels A-E are privately held properties with CMU block wall buildings that include retail/office space. Parcel F is owned by the City of Las Cruces and is used as a fire station.

**Detailed Description of Intended Use of Property:**

The proposed use of the property will be for an approximately 14,500 square foot CVS Pharmacy with a drive thru service window and alcohol sales with a 24 hour operation. The proposed development will include approximately 76 parking spaces and access will be provided from Picacho Avenue, Main Street and Willoughby Avenue. In addition to the subject Zone Change request, the project will require a replat to combine the properties into a three parcels: CVS parcel, City of Las Cruces parcel and remainder parcel to the north of CVS parcel. This request will be processed separately at a future date. A Site Plan accompanies this request.

ALTA / A.C.S.M. LAND TITLE SURVEY OF  
PORTIONS OF  
LOT 5 AND 6,  
SUBDIVISION ESTATE,  
BARBARO LUCERO ESTATE,  
U.S.R.S. TRACT 9A - 30C,  
U.S.R.S. TRACT 9A - 30C,  
U.S.B.R. TRACT 9A - 32A,  
AND  
LOTS 5A AND 5B  
BARBARO LUCERO SUBDIVISION  
REPLAT NO. 1

CONSULTANT  
**SURV TEK, II**  
P.O. Box 1000, New York, N.Y. 10001  
Tel: (212) 691-1000  
Fax: (212) 691-1001

SEAL

**CVS**  
pharmacy  
STORE #1049  
N.E. CORNER OF  
NORTH MAIN ST.  
1 W. PACIFIC AVE  
L.A. CROSS, IN

DEVELOPER  
ARMSTRONG DEVELOPMENT  
1500 N. PRESTON DR., SUIT  
1500  
LEWIS, PA. 15056  
FAX: 602.385.4101

REVISIONS:

DRAWING BY: RUS  
DATE: NOVEMBER 14, 2012  
JOB NUMBER: 120088  
TITLE:  
ALTA / A.C.S.M. LAND TITLE  
SURVEY  
SHEET NUMBER:

SHEET 2 OF 7  
DIMENSIONS:  
NOT RELEASED FOR CONSTRUCTION

120399 SH1 1-6.dwg

**LEGAL DESCRIPTION**  
**PARCEL 1**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 1, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

That portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 1, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

**LEGAL DESCRIPTION**  
**PARCEL 2**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 2, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

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**LEGAL DESCRIPTION**  
**PARCEL 3**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 3, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

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**LEGAL DESCRIPTION**  
**PARCEL 4**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 4, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

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**LEGAL DESCRIPTION**  
**PARCEL 5**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 5, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

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**LEGAL DESCRIPTION**  
**PARCEL 6**

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**LEGAL DESCRIPTION**  
**PARCEL 7**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 7, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

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**LEGAL DESCRIPTION**  
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**LEGAL DESCRIPTION**  
**PARCEL 9**

A portion of the parcel of land known as "PUBLIC SAFETY BUILDING" PARCEL 9, as shown on the plat of the same, recorded in the County of Cook, Illinois, and being more particularly described as follows:

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**CVS**  
**pharmacy**  
 NEW MEXICO 14,500 -LEFT  
 CHAMBER DRIVE - THRU  
 STORE NUMBER: 10149  
 REC PICACHO AVE & MAIN ST  
 LAS CRUCES, NM 87904

PROJECT TYPE: NEW STORE  
 REAL TYPE: NEW STORE  
 CS PROJECT NUMBER: 64295

**ENGINEER OF RECORD**  
 BRYANNA HUSTON, P.E.  
 215 W. CHAMBER DRIVE, SUITE 106  
 ALBUQUERQUE, NM 87104  
 TEL: (505) 833-1000  
 FAX: (505) 798-7888

**CONSULTANT:**

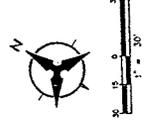
**DEVELOPER:**  
 ARMSTRONG  
 DEVELOPMENT  
 INTERNATIONAL, INC.  
 215 W. CHAMBER DRIVE, SUITE 106  
 ALBUQUERQUE, NM 87104  
 PHONE: (505) 355-4100  
 FAX: (505) 355-4101

**SEAL:**  
 3

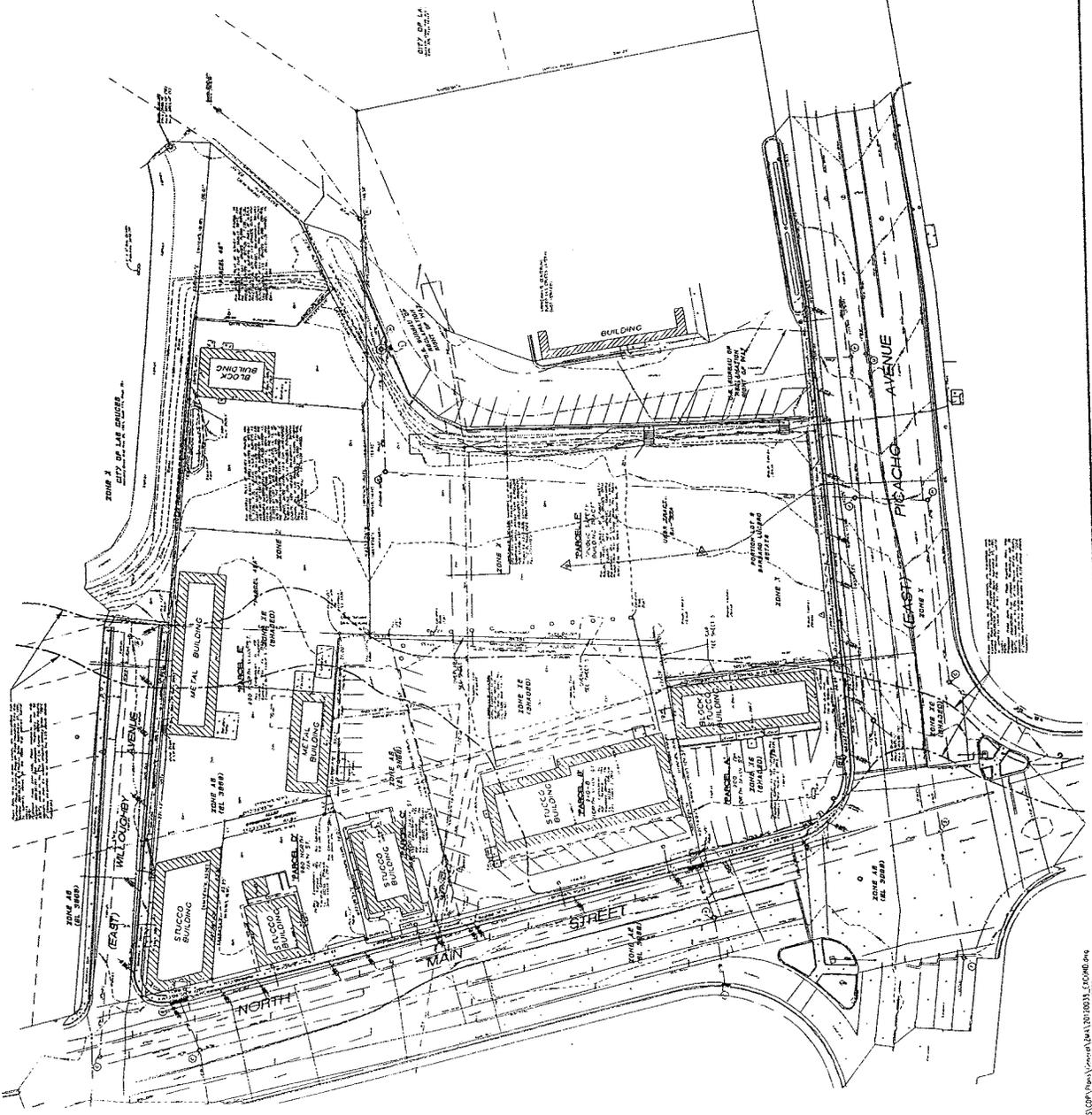
**REVISIONS:**

DRAWING BY:  
 DATE: 29 NOVEMBER 2012  
 JOB NUMBER: 2010038  
 TITLE: SITE PLAN

SHEET NUMBER:  
**C101**  
 COMMENTS:  
 ISSUED FOR 85% REVIEW



- LEGEND**
- RECYCLING/COMB
  - TRUCK CONCRETE BOX
  - TRUCK PALE BOX
  - TRUCK LANEWAY
  - OPENED TRUCK LANE
  - POWER POLE
  - DELETED TRUCK SIGNAL
  - BRICK DOWN
  - WATER METER
  - WATER LINE
  - WATER VALVE
  - OUTSIDE SIGN WITH SIGNPOST (NOT)
  - TELEPHONE WARDROBE
  - TELEPHONE RECESSED
  - SMALLER STREET MARKING
  - LIGHT POLE
  - CONCRETE PAVEMENT
  - FIRE HYDRANT
  - RAILROAD
  - WELL
  - CONCRETE AREA
  - PROPERTY ORIGIN
  - HANDICAP PARKING SPACE
  - CELESTIAL
  - STAIRWAY SPACE LINE
  - UNDERGROUND COMMUNICATIONS LINE
  - UNDERGROUND ELECTRIC LINE
  - SEWER CLEANOUT
  - SPOT ELEVATION
  - PARKING BUFFER
  - Utility Pole Anchor



**CVS**  
**pharmacy**  
 NEW MEXICO 14,500 -LEFT  
 CHAMBER DRIVE - THRU  
 STORE NUMBER: 10149  
 145 PICACHO AVE MAIN ST  
 LAS CRUCES, NM 88004

PROJECT TYPE: NEW STORE  
 DEAL TYPE:  
 CS PROJECT NUMBER: 64295

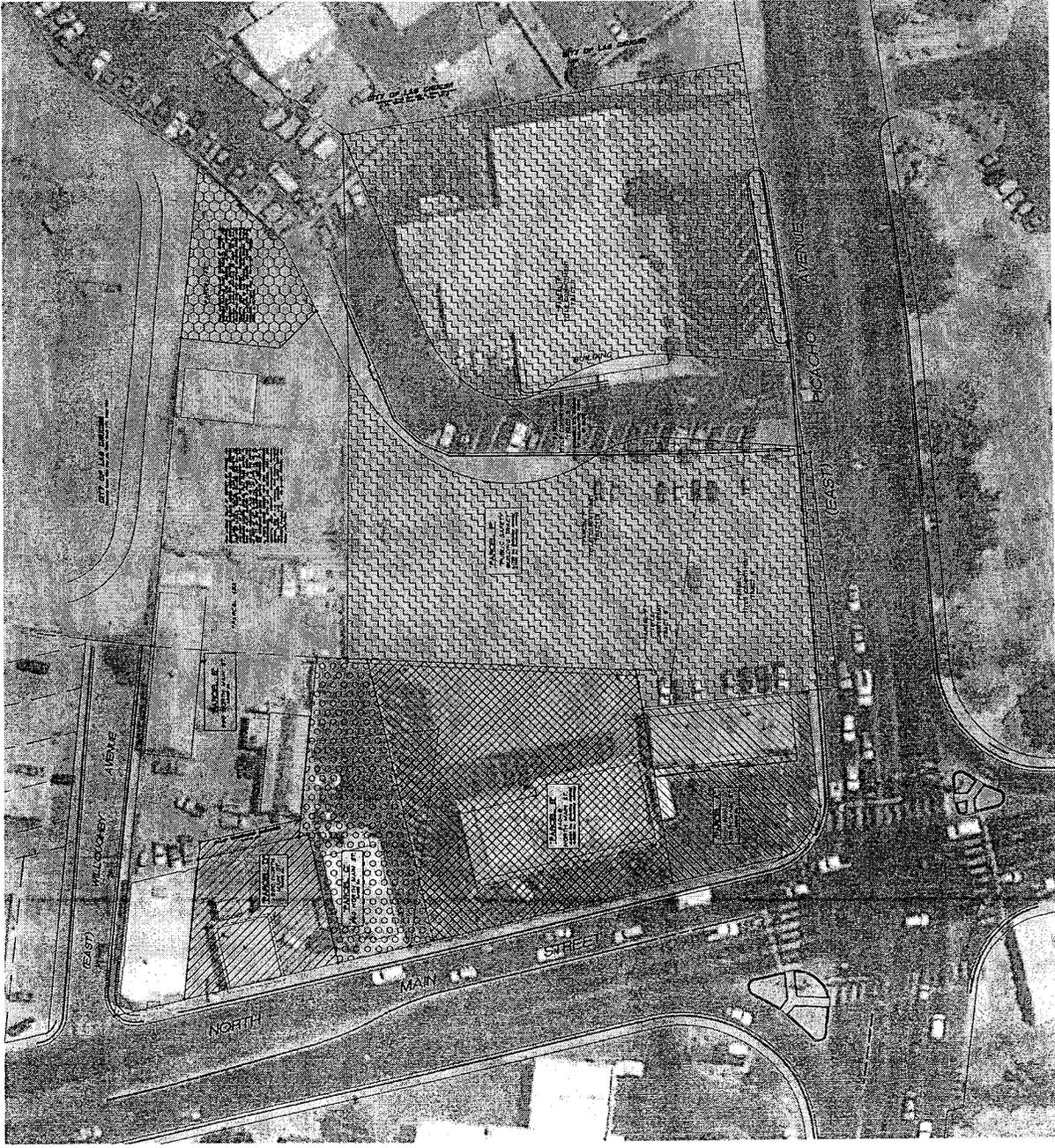
**ENGINEER OF RECORD**  
 BOHANNAN HUSTON, INC  
 7500 JEFFERSON ST NE  
 SUITE 1000  
 LAS CRUCES, NM 88001  
 TEL: (505) 821-1000  
 FAX: (505) 798-7988

**CONSULTANT:**

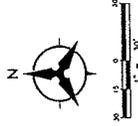
**DEVELOPER:**  
 ARMSTRONG  
 DEVELOPMENT  
 PARTNERS, INC  
 321 W CHANDLER (8-40), SUITE 106  
 CHANDLER, AZ 85224  
 PHONE (602) 885-4100  
 FAX (602) 285-1101

**SEAL:** 44  
 REVISIONS:

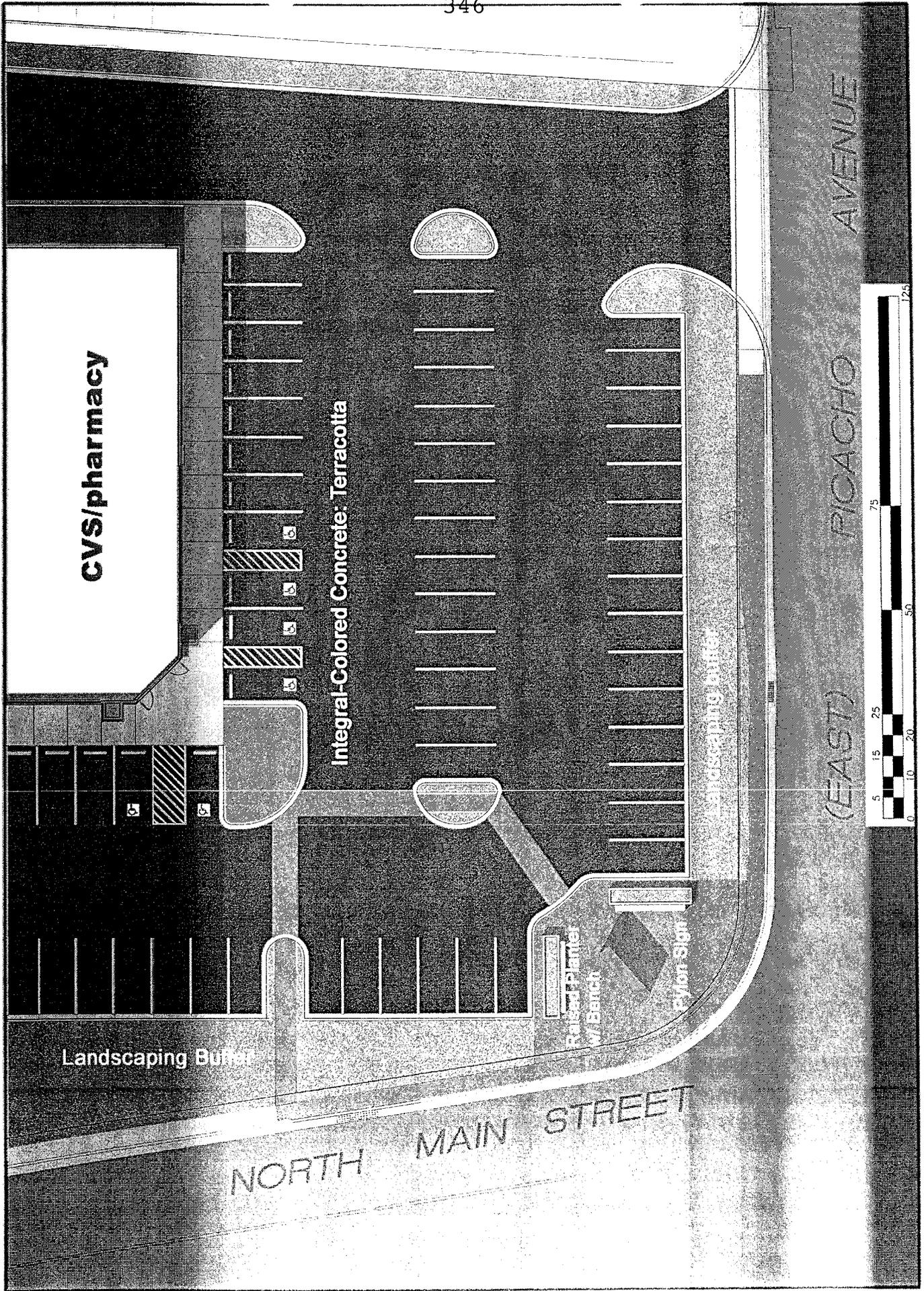
DRAWING BY:  
 DATE: 29 NOVEMBER 2012  
 JOB NUMBER: 20120018  
 TITLE: ZONE CHANGE REQUEST  
 AERIAL OVERLAY  
 SHEET NUMBER: C-003  
 COMMENTS: ISSUED FOR 95% REVIEW



- 900 NORTH MAIN ST
- 940-B NORTH MAIN ST
- 960 NORTH MAIN ST
- 980 NORTH MAIN ST
- 990 NORTH MAIN ST
- 201 E. PICACHO AVE
- PARCEL 46







CVS Store #10149 - NEC Picacho & Main - Las Cruces - Entry Area Exhibit

# CVS/pharmacy®

CS #64295  
 PICACHO & MAIN, LAS CRUCES, NM  
 STORE #10149

## Finish Colors:

<p><b>A</b> STO EFS          NA01-0048          Pale Yellow</p>	<p><b>B</b> STO EFS          NA00-0047          Terra Cotta</p>	<p><b>C</b> STO EFS          32114</p>	<p><b>D</b> Storefront System          Anodized Aluminum</p>	<p><b>E</b> Paint          To match STO EFS          NA00-0047          Terra Cotta</p>	<p><b>F</b> CMU to match          STO EFS 32114</p>
			<p><b>G</b> CMU to match          STO EFS          NA01-0048          Pale Yellow</p>		

347

JACOBS

ARMSTRONG  
 DEVELOPMENT  
 PHARMACIES, INC.

2121 W. Chandler Blvd., Ste 106  
 Chandler, AZ 85224  
 TEL (602) 365-4100



**Comprehensive Plan Elements and Policies**

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

**Urban Design Element Goal 3 Design**

Policies:

- 3.9.1 Residential and Commercial development should preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements and strengthened by creative contemporary expression
- 3.9.3. New development or redevelopment should be required to utilize local and/or regional architectural styles and design elements in the downtown area, historic districts, gateways and designated corridors which are compatible with existing structures.
- 3.9.4. Encourage creative site planning for all new development and redevelopment.
- 3.10.1. Infill development, both new development and redevelopment, should be required to respect the architectural styles, bulk, setbacks, color, scale, character and site design relationships of the existing neighborhood.
- 3.10.4. Encourage developers of commercial and industrial areas to respect the architectural styles found in adjacent areas.
- 3.10.5. Support a policy of mixed land uses as discussed in the Land Use Element. Land uses which are not traditionally considered compatible may be located next to one another depending upon design features and compatibility with the adjacent area as a result of a mixed land use policy. Those uses with lower intensities must be protected from any negative impacts from adjacent uses with higher intensities in order to protect a desirable quality of life within the City.
  - a. Land uses which differ from adjacent land uses, found in Matrix 1, should be required to follow the distance and landscaping requirement also found in Matrix 1. The prescribed distance between uses is a non-buildable area and must be landscaped accordingly.
  - b. Mitigation techniques (as found in Matrix 2) should be employed to avoid any possible problems between differing land uses located adjacent to or near one another. Possible mitigation techniques shall include but not be limited to those examples found in Matrix 1 and 2.
    - i. New development should be compatible with the architectural style in the surrounding area.

- ii. New development should respect building height, scale, bulk and setbacks found in the surrounding area.
- iii. Any high intensity use locating adjacent to a lower intensity use should be oriented and designed in a sensitive manner. Development which is/are located adjacent to public streets should also be oriented and designed in a sensitive manner.
  - (1) Place parking areas away from adjacent residential uses when appropriate. All parking areas should use landscaping and distance techniques to buffer differing uses and when viewed from public streets.
  - (2) Screen delivery areas, loading zones, waste receptacle and pick-up areas, and any outside evidence of plumbing, electrical, and/or mechanical equipment from view by buffers, landscaping, architectural techniques, and other design measures.
  - (3) Landscape blank walls and fences which face streets or adjoining properties to soften their harsh, stark effects or provide pedestrian scale facades on all sides of the building (windows, doors, landscaping, and fine grain detail in materials).
  - (4) Screen stacking lanes/drive-up aisles from view with landscaping or placing such lanes where they are not readily seen from streets and sidewalks.
- c. Mitigation techniques and landscaping and distance requirements should be followed when a business registration, zone change, or new construction creates adjacent land uses which differ from one another. The use which is creating the change should mitigate any possible problems between other land uses using the techniques listed below.

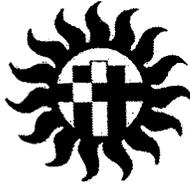
#### Land Use Element, Goal 1 (Land Uses)

Policy 1.5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when

the center contains one anchor store greater than 75,000 gross square feet.

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



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than [December 10, 2012].

**IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT [rkyle@las-cruces.org](mailto:rkyle@las-cruces.org).**

APPROVED AS IS: YES

NO

APPROVED WITH CONDITIONS:

*CONCELS*

*See Attached.*

DATE: 12/11/12

REVIEWER NAME: Adam Ochoa  
REVIEWER CONTACT NO. 528-3204

City of Las Cruces  
Planning and Zoning Commission  
Case Review Sheet

PLANNING:

Case #: Z2858

Date: December 3, 2012

Request: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

COMMENTS:

- Please provide a site plan showing an aerial view of the existing properties and a boundary surrounding what exactly it is that will be getting a zone change.
- The proposed zone change is directly adjacent to the Las Cruces Downtown area where a Metropolitan Revitalization Area (MRA) Plan has been implemented to help revitalize the area. Two of your properties, 900 & 940 N. Main Street, are actually within the MRA boundaries. The Plan was set in place to help revitalize the downtown area and create an area where people would want to visit. The plan continues by pushing for a more walkable environment. It is staff's opinion that the proposed design of the CVS site does not encourage a walkable environment and is a typical site layout where the motor vehicle is taken more into account than pedestrians. Please look into the possibility of somehow making the site more in keeping with our Downtown MRA Plan.

**RECOMMENDATION: APPROVAL WITH STRONG CONCERNS**

December 11, 2012

**Z2858 (C-2 to C-3)**  
**900 N Main Street**  
 (C McCall)

**Conclusion**

This is a request for a zone change from C-2 to C-3 for 6 individual parcels totaling over 4 acres. The proposed zone change would facilitate the development of a 14,500-SF 24-hour pharmacy with parking to accommodate about 76 cars and drive-thru service.

From a land use perspective, the proposed pharmacy is a good fit for this location and there are few conflicts with the Comprehensive Plan. For customers who drive, it is at the intersection of two principal arterials, Main Street and Picacho Avenue. The site is also near medium density single-family residential neighborhoods. It is also in the vicinity of City, County and Federal buildings and the District Court building, each of which house hundreds of public employees. The Federal building is less than ½ mile from the subject property and the other buildings are less than 800 feet.

Regarding site and store design, the proposal also falls short; I see very little regard for pedestrians in this proposal. As noted below in Land Use Element, policy 1.5.3.a., multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers is a high priority for the City. Since the building is set so far back from both arterials, a customer on foot would have to walk through a busy parking lot to access the store. This is perilous for the elderly and disabled; even a young healthy citizen would have a difficult time.

The store is proposed to be located nearly 60 feet from both Main and Picacho, with its large parking lot immediately adjacent to these arterials. This is in direct conflict with most of the design policies stated in both the Land Use and Design Elements below. Of particular importance is how the store will complement other properties in the area, most of which fall within boundaries of overlays with design guidelines of their own.

The site is less than 800 ft from both the South and North Mesquite Overlays; 150 feet from the Alameda Corridor and 200 feet from the Residential Core within the Alameda Depot Overlay; and directly across the street from the Central Business District Overlay. The applicants are referred to these overlays to learn more about their design guidelines. Although the applicants are not required to follow design guidelines for adjacent areas, it is highly recommended that the applicants be sensitive to these areas and make a greater effort to tie the store in with the rest of the area.

Also, two of the subject parcels are located within the boundaries of the downtown Tax Increment District and the Metropolitan Redevelopment Area. Under New Mexico's Metropolitan Redevelopment Act, the City of Las Cruces has the authority to create a Metropolitan Redevelopment Area and capitalize on financing opportunities and incentives. The resulting Tax Increment District provides revenue for certain redevelopment projects in the downtown area. The Las Cruces Downtown Revitalization Final Schematic Design and Concept Report, completed in 2005, states in its introduction under subsection 3. Landscaping Links and Gateways: "...There will be landscaped gateways, with way-finding signage announcing arrival to the Downtown area, where Main Street intersects Picacho and Alameda Boulevard." And under a subsection entitled Streetscapes, 1.a Main Street, the plan states: "At each end of Main Street in the downtown core on the South and North, the street is planned as a wide well landscaped vehicular and pedestrian boulevard leading up to roundabouts into downtown."

A context-sensitive proposal is possible and has been demonstrated in other cities. For example, Tempe, Arizona, has a CVS Pharmacy in the heart of its downtown area. According to a realtor, Tom Tokoph, whose office is nearby, there is off street parking behind the store. In addition to an entrance on the corner as pictured, there is an entrance in back next to the parking. Pulling the store closer to the street provides much greater accessibility for all customers, not only those who drive cars



In closing, I make the following recommendations:

- Redesign the site so that at least one side of the building is close to the street
- Provide wide, safe sidewalks along the street for the safety of pedestrian customers.
- Base the design of the building on a Southwestern vernacular; consider the architecture of surrounding neighborhoods when designing the building.
- Consider a mixed use development that would interest nearby residents and workforce.

As it stands, the proposal does not meet the majority of the policies related to this type of development in the Comprehensive Plan. Therefore, Advanced Planning staff cannot support the proposal.

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

**Urban Design Element Goal 3 Design Policies:**

- 3.9.1 Residential and Commercial development should preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements and strengthened by creative contemporary expression
- 3.9.3. New development or redevelopment should be required to utilize local and/or regional architectural styles and design elements in the downtown area, historic districts, gateways and designated corridors which are compatible with existing structures.
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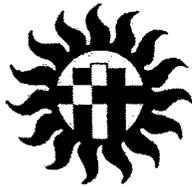
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Land Use Element, Goal 1 (Land Uses)

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# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: MPO

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than [December 10, 2012].

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT [rkyle@las-cruces.org](mailto:rkyle@las-cruces.org).*

APPROVED AS IS:

YES

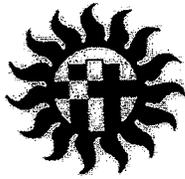
NO

APPROVED WITH CONDITIONS:

DATE: 12/10/12

REVIEWER NAME: Andrew Wray  
REVIEWER CONTACT NO. 3010





# City of Las Cruces®

PEOPLE HELPING PEOPLE

**DATE:** December 3, 2012

**TO:** Engineering Services

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2858 (Review No.1)

**SUBJECT:** 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than [December 10, 2012].

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT [rkyle@las-cruces.org](mailto:rkyle@las-cruces.org).*

APPROVED AS IS:                      YES                      NO

APPROVED WITH CONDITIONS: See development case review sheet and comments below:

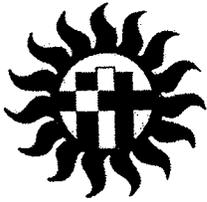
DATE: 12.10.12

REVIEWER NAME: Natasha Billy  
REVIEWER CONTACT NO. 575.528.3496

At the time of permit application submittal, at minimum, the following is required:

- A drainage report
- A floodplain study
- An erosion control plan
- A traffic impact analysis
- Driveway Compliance
- Contact with NMDOT (Maria Hinojos, PE at 575-544-6544) regarding access along US Hwy 70 (Main St).

Refer to LDCD Chapter 30-Building Code and Chapter 32-Design Standards (Drainage and Traffic) for all specific requirements for the items listed above, along with other requirements for site development.



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Case Review Sheet

To: Engineering Services

Case #: Z2858

Date: December 3, 2012

Request: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

### FLOOD ZONE DESIGNATION:

Zone A	(Flood elevation needed)	<u>X (FIRM 631E)</u>
Zone AE	(Flood elevation known)	_____
Zone AH	(Flood 1' - 3' ponding)	_____
Zone AO	(Flood 1' - 3' - steep slopes)	_____
Zone A99	(100-year flood)	_____
Zone X		_____
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

### DEVELOPMENT IMPROVEMENTS: (4.22 acres)

*runoff must remain onsite & is not allowed to discharge to ROW*

Drainage Calculation needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
Drainage Study needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	
Sidewalk extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Curb & gutter extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Paving extension needed	YES <input checked="" type="checkbox"/>	NO _____	
NMDOT permit needed	YES <input checked="" type="checkbox"/>	NO _____	

*(drainage report & flood plain study)*

### DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X *Conditional* Approval \_\_\_\_\_ Denial \_\_\_\_\_

- At time of submittal; the following is required:*
- A drainage report *with a required*
  - A TIA
  - An erosion control plan
- (Contact Maria Higgins, PE)*

**Adam Ochoa**

---

**From:** Willie Roman  
**Sent:** Thursday, January 10, 2013 4:15 PM  
**To:** Adam Ochoa  
**Subject:** RE: CVS TIA

Adam,

Mr. Wrage's responses have addressed my concerns. I will modify my response to "Conditional Yes" with the condition that applicable responses are implemented in the report.

Willie Roman, PE  
Streets & Traffic Operations

---

**From:** Eric Wrage [<mailto:ewrage@bhinc.com>]  
**Sent:** Thursday, January 10, 2013 2:16 PM  
**To:** Adam Ochoa  
**Cc:** Willie Roman; Scott Steffen  
**Subject:** RE: CVS TIA

Attached are the responses to the comments.  
Please let me know if you have any other questions.

Eric J. Wrage, P.E., P.T.O.E.  
Senior Project Manager  
Traffic and Transportation  
Direct line: 505-798-7859

**Bohannon  Huston**

Courtyard I  
7500 Jefferson St. NE  
Albuquerque, NM 87109-4335  
[www.bhinc.com](http://www.bhinc.com)  
voice: 505.823.1000 facsimile: 505.798.7988 toll free: 800.877.5332

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**From:** Adam Ochoa [<mailto:aocchoa@ias-cruces.org>]  
**Sent:** Thursday, January 10, 2013 1:25 PM  
**To:** Eric Wrage  
**Cc:** Willie Roman  
**Subject:** RE: CVS TIA

Eric:

Attached are the comments from Traffic for your TIA. Please let me know if you need anything else, thank you.

Adam Ochoa

**BHI Responses to Comments for CVS TIA**

Case No. Z2858

1/10/12

1. Pass-by trip percentage seems high, please provide justification or documentation for value used

*Trip Generation 9<sup>th</sup> Edition Users Guide, Table 5.18 indicates the average pass-by trip percentage for Pharmacy with Drive-Through to be 49%. Table 5.17 indicates the average pass-by trip percentage for Pharmacy without Drive-Through to be 53%. 30% was considered to be conservative, based on this data. See attached page from the Trip Generation Manual Handbook.*

2. Report states diverted link trips were included with primary trips, please clarify in report that this mean no trips were deducted for diverted link

*No trips were diverted for diverted link trips.*

3. Some queues shown graphically on page 19 don't make sense: SBL existing is shown to be more than build and EBL no-build is shown to be greater than existing

*Table 9 lists the queue results. The table shows that all queues either are the same as existing or larger. The figure must be in error for the SBL movement. The only odd result in Table 9 is the AM existing EB left greater than no-build. A review of the Synchro results shows the no build has slightly more time for the left (modeled as actuated) than the existing, with the same cycle length, as more green time allows for shorter queues. The figure will be reviewed to ensure it matches Table 9.*

4. Spruce driveway to be right-in/right-out with pork chop as stated on page 21 and a raised median or permanent delineator panels will be required along Spruce to inhibit left turns into the development from this roadway

*The pork chop was recommended prior to the email correspondence of December 21, where it was identified that maintenance issues result from the W-60 trucks damaging the pork chop. To address this concern, you requested the addition of signage and markings to clarify the driveways are to be right-in/right-out only. CVS agrees to include this signage and markings and to construct a raised median along Spruce to inhibit left turns in the driveway. Both of these will be noted on the design plans.*

Table 5.17  
 Pass-By Trips and Diverted Linked Trips  
 Weekday, p.m. Peak Period

Land Use 880 — Pharmacy/Drugstore without Drive-Through Window

SIZE (1,000 SQ. FT. GFA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NON-PASS- BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ. STREET PEAK HOUR VOLUME	SOURCE
10	Orange City, FL	1992	42	2:00-6:00 p.m.	—	35	—	65	n/a	TPD Inc.
10	Deitona, FL	1992	54	2:00-6:00 p.m.	—	40	—	60	n/a	TPD Inc.
9.6	Kissimmee, FL	1995	190	2:00-6:00 p.m.	57	—	13	30	n/a	TPD Inc.
8.6	Orlando, FL	1995	369	2:00-6:00 p.m.	25	—	15	60	n/a	TPD Inc.
13.2	New Smyrna Beach, FL	1993	55	2:00-6:00 p.m.	—	47	—	53	n/a	TPD Inc.
12	Apopka, FL	1993	365	2:00-6:00 p.m.	—	48	—	52	n/a	TPD Inc.

Average Pass-By Trip Percentage: 53

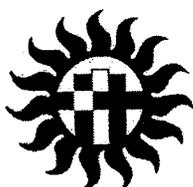
363

Table 5.18  
 Pass-By Trips and Diverted Linked Trips  
 Weekday, p.m. Peak Period

Land Use 881 — Pharmacy/Drugstore with Drive-Through Window

SIZE (1,000 SQ. FT. GFA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NON-PASS- BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ. STREET PEAK HOUR VOLUME	SOURCE
9.6	Orlando, FL	1995	370	2:00-6:00 p.m.	40	—	13	47	n/a	TPD Inc.
15.5	Orlando, FL	1995	385	2:00-6:00 p.m.	50	—	9	41	n/a	TPD Inc.
15.5	Orlando, FL	1995	522	2:00-6:00 p.m.	25	—	17	58	n/a	TPD Inc.

Average Pass-By Trip Percentage: 49



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: **Traffic**

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

RECEIVED

DEC 04 2012

TRAFFIC

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than [December 10, 2012].

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT [rkyle@las-cruces.org](mailto:rkyle@las-cruces.org).*

*Received 12/13/12*

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 12/14/12

REVIEWER NAME: Karmela Espinoza per Willie Ramon  
REVIEWER CONTACT NO. ext 2701

City of Las Cruces  
Planning and Zoning Commission  
Case Review Sheet

TRAFFIC ENGINEERING:

Case #: Z2858

Date: December 3, 2012

Request: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

SITE ACCESSIBILITY: \*

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

ON-STREET PARKING IMPACTS:

None  Low  Medium  High

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

FUTURE INTERSECTION IMPROVEMENTS:

Yes   
No

If yes, what intersection? \_\_\_\_\_  
when (timeframe)? \_\_\_\_\_

Is a TIA required? Yes  No

If yes, please provide findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*Any new improvements, at either the time of subdivision or building permit, will require conformance to either the City of Las Cruces Curb Cut Ordinance #1250, the City of Las Cruces Design Standards, or the City of Las Cruces Zoning Code (2001, as amended).**

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation:  Approval  Denial

366

**Karmela Espinoza**

---

**From:** Gary Skelton  
**Sent:** Thursday, December 13, 2012 10:47 AM  
**To:** Karmela Espinoza  
**Subject:** Comments for plans for CVS Pharmacy at Picacho and Main  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

<Karmela:

From my review of the plans for the CVS Pharmacy to be located at Picacho Avenue and Main Street, the plans provided do not clearly show details of ADA ramps and landings I assume would be located at the entrances to the property from the adjoining roadway as well as ADA details for the sidewalk around the perimeter of the building.

**Gary Skelton**  
Engineering Technician  
City of Las Cruces  
Street Systems Dept.  
(575) 541-2561

Case # Z2858- CVS 900 N. Main

Comments:

Meet with traffic engineering staff is required regarding issues with the traffic signals interconnect and street light wiring. The following staff required Willie Roman, Gilbert Pacheco, Manny Balderrama, Jan Green, Gary Skelton.

Driveways:

- Driveway located off Main street at entrance will require a pork chop.
- Driveway located off Picacho street at entrance will require a pork chop to allow right in and out only.
- Show distance from Main St intersection to driveway on Picacho.
- Raised curb to be installed in the median of Picacho to restrict left turns.

Details:

- Missing ADA
- Missing stop sign.

Show truck route and truck template on site.  
Show clear sight triangle area.

**Department: Right Of Way**

Reviewer: William "Bill" Hamm Phone: (575) 528-3410

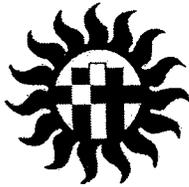
Status: YWC

Comments:

1. "Detailed Description of Existing Use of Property" statement. Statement saying "Parcels A-E are privately held..." is not accurate. Portion of Parcel E, labeled "Parcel 46" on Exhibit of Tract F, is owned by the City of Las Cruces.

2. What's called out as "Parcel F Title Commitment Tract 3, former US Bureau of Reclamation right of way?" is now Elephant Butter Irrigation District Right of Way.

---



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: **Parks**

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than **[December 10, 2012]**.

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT [rkyle@las-cruces.org](mailto:rkyle@las-cruces.org).*

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

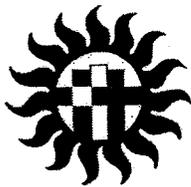
DATE:

12/4/12

REVIEWER NAME:

REVIEWER CONTACT NO.:

[Signature]  
2550



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: 

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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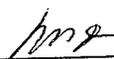
Please review and return to the Community Development Department no later than [December 10, 2012].

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APPROVED AS IS:                      YES                      NO

APPROVED WITH CONDITIONS:

DATE: 12/11/12

REVIEWER NAME:   
REVIEWER CONTACT NO. X4150

Comments:

1. Driveways shall meet CLdesign standards.
2. A TIA will be submitted for review and approval to the City Traffic Engineer.

City of Las Cruces  
Planning and Zoning Commission  
Case Review Sheet

FIRE PREVENTION BUREAU:

Case #: Z2858

Date: December 3, 2012

Request: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

ACCESSIBILITY ISSUES: \*

CONCERN

	Low	Medium	High
Building Accessibility	<u>X</u>	___	___
Secondary Site/Lot Accessibility	<u>X</u>	___	___
Fireflow/Hydrant Accessibility	<u>X</u>	___	___

Type of Building Occupancy: M

Closest fire department that will service this property:

Name Station 1

Address/ Location 201 E. Picacho

Distance from subject property (miles) 0

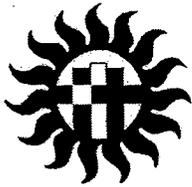
Adequate capacity to accommodate proposal? Yes X No \_\_\_

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

***\*Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, Building Code, and/or Fire Code.***

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval \_\_\_ Denial



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: **Utilities**

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than **[December 10, 2012]**.

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT [rkyle@las-cruces.org](mailto:rkyle@las-cruces.org).*

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 12/10/12

REVIEWER NAME: *John Reid*  
REVIEWER CONTACT NO. 528.3635

*No water rights issues - F.O. 12/5/2012*

CITY OF LAS CRUCES  
PLANNING AND ZONING COMMISSION  
CASE REVIEW SHEET

CASE #: Z2858 DATE: 12/10/12

REQUEST:

WATER AVAILABILITY & CAPACITY:\*

Water Provider:

CLC

Other \_\_\_\_\_

CLC Water System capable of handling increased usage:

Yes

No \_\_\_\_\_

Comment \_\_\_\_\_

WASTEWATER AVAILABILITY & CAPACITY:\*

Wastewater service type:

CLC Sewer:

On-lot septic \_\_\_\_\_

CLC Wastewater System capable of handling increased usage:

Yes

No \_\_\_\_\_

Comment \_\_\_\_\_

NATURAL GAS AVAILABILITY & CAPACITY\*

Natural Gas Provider

City of Las Cruces

Other \_\_\_\_\_

CLC Gas System capable of handling increased usage:

Yes

No \_\_\_\_\_

Comment \_\_\_\_\_

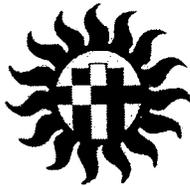
**\* To receive City utility service to this property, the responsible property owner/applicant/subdivider is responsible for (1) the acquisition of all necessary water, sewer, and gas easements, (2) the construction of all necessary utility lines, and (3) compliance with all applicable City of Las Cruces requirements.**

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval  Denial \_\_\_\_\_

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

DATE: December 3, 2012

TO: ~~NMDOI~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2858 (Review No.1)

SUBJECT: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS: *Access Permit from NMDOI + traffic analysis*

DATE: 12/6/12

REVIEWER NAME: Maria Lopez  
REVIEWER CONTACT NO. 574-6070

City of Las Cruces  
Planning and Zoning Commission  
Case Review Sheet

**NMDOT:**

Case #: Z2858

Date: December 3, 2012

Request: 900 N. Main Street (Multiple Properties)  
Zone Change C-2 to C-3

Which state highway systems are adjacent to the subject property? ~~State~~ N. Main (US 70)

Is a driveway permit from NMDOT required? Yes  No

Explain: Access to N. main is on a state road will require an access permit and traffic analysis.

COMMENTS:

Please note-sheet C-001 the proposed site plan shows the street East Picacho Ave. which is incorrect it is spine street and a city of las cruces maintained Rd.

RECOMMENDATION:  APPROVAL  DENIAL

w/ stipulation to obtain an access permit from NMDOT.

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
January 22, 2013 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Donald Bustos, Member

**STAFF PRESENT:**

Katherine Harrison-Rogers, Senior Planner, CLC  
Adam Ochoa, Planner, CLC  
Carol McCall, Planner, CLC  
Susana Montana, Planner, CLC  
Mark Dubbin, CLC Fire Department  
Rusty Babington, CLC Legal Staff  
Becky Baum, Recording Secretary, RC Creations, LLC

**I. CALL TO ORDER (6:05)**

Scholz: Good evening and welcome to the Planning and Zoning Commission for Tuesday, January 22, 2013. We are beginning a little late today because we had a computer glitch; but I understand it's been worked on and it's working. Is that right? Wonderful! I'm Charles Scholz. I'm the Chair of the Commission.

**II. CONFLICT OF INTEREST**

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

Scholz: Before we begin we have a couple of housekeeping items. One of them is a Conflict of Interest Statement. Gentlemen, any conflicts of interest with the things we're going to discuss today? No. Okay. Staff, any conflicts? Evidentially not. All right.

Then I want to introduce the members of the Commission. On my far right is Commissioner Shipley. He represents Council District 6. Next to him is Commissioner Crane who is our Vice Chair at the moment and representing Council District 4. Next to him is Commissioner Stowe,

1 of the other people that have been in that neighborhood cause I've been  
 2 there my whole life. I was born and raised Jennings Cotton until we built  
 3 too many houses to support a cotton gin and now I have other things in  
 4 my buildings. And none of my buildings are abandoned. I mean I have an  
 5 aerial dance studio in one of them. I mean I'm trying to progressively go  
 6 forward and help our community and I have lots of big plans for the  
 7 property and I want to do what's best for our property and for all of my  
 8 neighbors that have been there for many many years.

9  
 10 Scholz: Okay. Thank you very much.

11  
 12 Harvey: Thank you.

13  
 14 Scholz: Someone else? Okay, what we're going to do then is take up the last  
 15 case, is that correct Mr. Babington? Yes.

- 16  
 17 8. **Case S-12-042W:** Application of Borderland Engineers and Surveyors on  
 18 behalf of Armando F. Villegas to waive the required construction of 100% of  
 19 the required road improvements to Porter Road, a Principal Arterial roadway,  
 20 for a proposed final plat known as AGI Subdivision, Phase 1. The applicant is  
 21 proposing to make a payment in lieu of or construct a modified cross section  
 22 for Porter Road which consists of a 30 foot wide paved section with curb and  
 23 gutter. The subject property is located on the northeast corner of Porter Road  
 24 and Payan Road, Parcel ID# 02-20035. Proposed Use: A seven (7) lot  
 25 single-family residential subdivision. Council District 5 (Councilor Sorg).

26 **THIS CASE POSTPONED TO FEBRUARY PLANNING AND ZONING MEETING.**

- 27  
 28 9. **Case Z2858:** Application of Bohannan Huston on behalf of multiple property  
 29 owners to rezone from C-2 (Commercial Medium Intensity) to C-3  
 30 (Commercial High Intensity) on ten (10) different parcels and a portion of one  
 31 (1) parcel encompassing a total of 4.22 +/- acres located on the northeast  
 32 corner of Main Street and Picacho Avenue; Parcel ID# 02-04426, 02-04438,  
 33 02-04440, 02-04459, 02-04494, 02-28340, 02-28341, 02-28342, 02-28343,  
 34 02-28344, and a portion of 02-22254. Proposed Use: The replatting and  
 35 redevelopment of the parcels for a new Pharmacy; Council District 1  
 36 (Councillor Silva)

37  
 38 Scholz: We'll take up Case Z2858 and that's an application to rezone a property  
 39 from C-2 to C-3. Mr. Ochoa, what a pleasant surprise.

40  
 41 Ochoa: Pleasure's all mine sir. Thank you Mr. Chairman. Adam Ochoa Building  
 42 Development Services for the record. Final case we have for tonight is  
 43 Case Z2858. It is a request for a zone change from C-2 to C-3 for multiple  
 44 parcels, approximately about 11 different parcels located on the northeast  
 45 corner of Picacho Avenue and North Main Street, directly north of what  
 46 would be the Central Business District, Branigan Library and so on and so

1           forth.

2           Here is a zoning map showing those properties in kind of like the  
3 reddish box here, I guess 11 parcels in total, all currently zoned C-2,  
4 commercial medium intensity. Here looking at the aerial view of the  
5 property showing those parcels with multiple existing buildings, some  
6 vacant, some with different businesses and offices being run out of them  
7 currently as well as a piece of what is City owned property which includes  
8 the fire department and not really a vacant but kind of a parking lot which  
9 is owned by the City as well. Across the street from the park as you can  
10 see here like I said, Branigan Library just to give you more sense of where  
11 exactly this property is, right across the street from us in other words.

12           The subject property is currently zoned C-2 commercial medium  
13 intensity, properties, excuse me, and they are located on the northeast  
14 corner of Main Street and Picacho Avenue, both streets being principal  
15 arterial roadways as designated by the Metropolitan Planning  
16 Organization. Total combined all the parcels are approximately 4.22 acres  
17 with like I said again multiple buildings and businesses currently existing  
18 on those properties. The applicant tonight is proposing a zone change to  
19 C-3 commercial high intensity. The purpose for the zone change for the  
20 applicant to have the opportunity to redevelop the subject properties and  
21 replat those properties into one new lot and essentially developing new  
22 pharmacy, a CVS Pharmacy. The newly replatted parcel will exceed that  
23 one-acre maximum lot size permitted in the C-2 zoning district but the  
24 proposed zone change to C-3 would bring the newly replatted property  
25 into compliance with the 2001 Zoning Code. The proposed zone change  
26 is harmonious with the uses and zoning districts in the surrounding area  
27 and it is located like I said along major thoroughfares which are Main  
28 Street and Picacho where high density and intensity zoning designations  
29 such as the C-3 zoning designation are encouraged.

30           During the review process there were some concerns by staff and  
31 the Community Development Department. Those concerns were more  
32 regarding to the actual physical site development. The site staff sees this  
33 as a geographic entrance into the Central Business District and Main  
34 Street Overlay to the south of this property. That Overlay being the city's  
35 kind of gone off on a foot to make this area more pedestrian friendly, more  
36 pedestrian friendly atmosphere with providing buildings closer to the front,  
37 all the way down Main Street as you've seen with the reopening of Main  
38 Street downtown essentially and we feel, it is staff's opinion that this site  
39 should kind of complement those Development Standards and Design  
40 Standards currently existing in the adjacent Central Business District.  
41 That being recommending that the site be developed with the building  
42 closer to the street and providing more pedestrian friendly atmosphere,  
43 like I stated before and to follow more of a urban style existing and  
44 encouraged in the Central Business District. The applicant has in turn  
45 submitted a modified building elevation showing more of a southwest style  
46 which is something that is also encouraged in the Central Business

1 District, design elements in the 1999 Comprehensive Plan which their  
2 opinion from what staff sees could be something more in keeping with the  
3 architecture of the area and the overall City of Las Cruces. The applicant  
4 has also submitted a modified site plan showing the new development,  
5 providing kind of pedestrian walkways or access points to the new  
6 business with kind of integrated colored concrete areas adjacent to public  
7 sidewalks and pathways and so forth like that and I have some of those  
8 pictures that the applicant has submitted to us for your review as well in  
9 my presentation.

10 Here is a site plan showing the existing area that is currently going  
11 for the zone change. The applicant has grouped them into six individual  
12 parcels, of course legally from a tax assessor's standpoint there are 11  
13 underlying individual parcel ID numbers on there, so 11 different parcels  
14 which would be redeveloped into one lot for that one new pharmacy. Here  
15 is kind of a site plan showing how that building, the CVS will be  
16 constructed with the building towards the back, parking along the front,  
17 access points of Picacho, North Main Street and Willoughby to the north  
18 as well. Here is a site plan kind of showing those integral colored  
19 concrete pedestrian walkways which the applicants are proposing to  
20 provide more pedestrian connectivity along Main Street and Picacho with  
21 kind of an open area here with benches and planters and some kind of  
22 textured colored concrete walking towards the front entrance of the CVS  
23 Pharmacy. And here are the elevations as the applicant is currently  
24 proposing, like somewhat of a southwest style, parapets, vigas, rounded  
25 corners, kind of give it a little bit more of a southwest style than what was  
26 originally proposed. Essentially what we're looking at here is staff has  
27 reviewed the proposed zone change and recommends approval without  
28 conditions for the proposed zone change based on the findings presented  
29 in the staff report, staff simply has concerns with the actual design of the  
30 building, wanting that to be more pedestrian friendly and more in keeping  
31 with the Central Business District since it is directly adjacent to what would  
32 be potentially plenty of pedestrian traffic, with City Hall directly across the  
33 street, the court house, and of course the Federal building relatively close  
34 by. With that, again staff is recommending approval for the proposed  
35 zone change. The Planning and Zoning Commission is a recommending  
36 body to City Council for zone changes. With that gentlemen your options  
37 tonight are: 1) approve the request as recommended by staff for Case  
38 Z2858; 2) to vote yes and approve the request with conditions deemed  
39 appropriate by the Planning and Zoning Commission; 3) to vote no and  
40 deny the request; or 4) table and postpone and direct staff accordingly.  
41 That is the conclusion of my presentation. The applicant is here if you  
42 have any questions for them. And I stand for questions as well.

43  
44 Scholz: All right, questions for Mr. Ochoa. Commissioner Crane.

45  
46 Crane: I don't have a problem for the request for zone change but please tell me if

- 1 this is the occasion in which we should consider where exactly this block  
2 building, this rectangular building is going to be on this lot. I'm much  
3 impressed by Planner pointing out that it would look a lot better and serve  
4 pedestrian friendly purposes if it were on the southwest corner of this lot  
5 instead of the northeast.  
6
- 7 Ochoa: Correct sir. Those are the opinions of staff, long range planning, as well  
8 as Building and Development Services that by bringing that building closer  
9 to the front you're providing more of a pedestrian friendly, access friendly,  
10 easier access to that building since the building would be closer to actual  
11 sidewalks and right of way so people could actually walk and bike to those  
12 locations. Kind of seen throughout in other cities in America.  
13
- 14 Crane: That's something for later, correct?  
15
- 16 Ochoa: I'm sorry sir?  
17
- 18 Crane: That is something for later, for us to stipulate that the building should be  
19 closer to the sidewalks.  
20
- 21 Ochoa: It is something I believe that could possibly ... something that's open for I  
22 guess discussion with the applicant on that issue sir for tonight.  
23
- 24 Crane: All right.  
25
- 26 Scholz: Commissioner Shipley.  
27
- 28 Shipley: I'd just like to say you know in looking at the building it has a drive-up  
29 pharmacy and you know you basically have got to allow enough room for  
30 traffic circulation because most pharmacies have one main entrance in  
31 and you know one out.  
32
- 33 Ochoa: That's correct.  
34
- 35 Shipley: You know if you've got people that are trying to access the building from  
36 the corner and put it on the far corner, the entrance, then they've got to  
37 walk all the way around the building to get there. You know you're not  
38 going to have the main entrance on the corner, at the corner of Picacho  
39 and Main because all the people that are parking are going to have  
40 access from the back, plus you've got to have room for a drive-up. So I  
41 understand what you're talking about as far as what we'd like to have you  
42 know like the downtown area, but I think that it's a little impractical for this  
43 kind of building the way these buildings are built. I know in downtown's  
44 and I've looked at these other pharmacies in other places and looked at  
45 downtown locations and basically they're all pedestrian, they're in a middle  
46 of a block or something and people walk in and walk out. But they don't

1 have drive-thru pharmacies and those kinds of things in those type of  
2 facilities. So, I can't tell from what I've got here how that would be laid out,  
3 how it'd work out as maybe we should ask them to provide us something  
4 that shows up how it would work for them.

5  
6 Scholz: Well Commissioner Shipley I think that's a you know design situation that  
7 we really can't deal with tonight. I think what we're dealing with is the  
8 rezoning of the property. But I understand your concerns. Thank you. All  
9 right, any other questions for this gentleman or comments? May we hear  
10 from the applicant please? You're going to flip a coin as to who gets to do  
11 this? Okay.

12  
13 Steffen: Good evening Mr. Chairman, Commissioners. My name is Scott Steffen.  
14 I'm with Bohannon Huston and I'm the engineer on the project for CVS  
15 Pharmacy. And just a couple of points of clarification. Although we're  
16 requesting rezoning for 4.2 acres, the CVS development is approximately  
17 2.2 acres. Some of why we're doing that is we are coordinating with the  
18 City to help expand the parking on the fire department parcel so I don't  
19 know if this will show up, but this area back ... so their parking is right  
20 there currently. We are going to expand the parking so they have a little  
21 wider drive aisle here, pushing this curb approximately 15 feet to the west,  
22 and then this area is at a lower elevation, we are going to fill that an  
23 expand their parking back in that area. So it's currently ... Armstrong  
24 Development and there is here as well. They've been coordinating with  
25 the City on that so I just wanted to clarify that, we are doing a more ... the  
26 CVS Pharmacy itself is about 2.2 acres.

27 And in terms of the concern about the site design, you know CVS  
28 looks at all of their sites and they look at pedestrian traffic in the area and  
29 then they determine if they can live with what is they term a landscape  
30 setting, meaning the building up against the street. And at this point there  
31 just is not pedestrian traffic to warrant that design and it's our  
32 understanding from staff that this site and the zoning that goes with it does  
33 not require that, that they are requesting that we do that, but that from  
34 CVS's point of view the pedestrian traffic does not warrant pushing the  
35 parking to the back of the building and either doing one of two things,  
36 creating a second opening which causes a lot of internal redesign and  
37 problem with how they operate their store because all the storage is at the  
38 back of the building, then there's pharmacy here, and to try to get a  
39 second point of ingress and egress on the back side of the building to  
40 accommodate people that drive to the pharmacy becomes problematic  
41 operationally for them. Having two points of access because they aren't  
42 heavily staffed also becomes a security issue from theft from the store  
43 because they have a lot of small merchandise in there, convenience  
44 merchandise that when they have two points of ingress and egress in  
45 these stores they find that their theft loss goes up considerably. So, those  
46 are a couple of points of clarification that I wanted to make and just stand

1 for any questions that you may have. If I can't answer them the  
2 representative from Armstrong Development may be able to answer the  
3 question.

4  
5 Scholz: All right, thank you. Questions for this gentleman? Okay. Thank you very  
6 much.

7  
8 Steffen: Thank you.

9  
10 Scholz: All right, open for public comment. Anyone from the public which to speak  
11 to this project?

12  
13 Binns: My name is Eddie Binns. And I am one of the property owners that are  
14 currently under option to sell to CVS in this location. I would like to point  
15 out that gentlemen you've got an investor that is interested in doing  
16 something in the downtown area, spending millions of dollars and we  
17 certainly need to do everything possible to encourage that rather than  
18 discourage it. And you have an investor that this isn't the first drug store  
19 or pharmacy they've ever built. They know what works. I don't know what  
20 works. You don't know what works. And to try to tell them to put the  
21 building on the front of the lot where there is no pedestrian traffic is  
22 ridiculous. This is part of the additional bureaucracy that continually refer  
23 to every time I address the City Council and such of trying to tell people  
24 how to build things, what they should do, and if one of those things that I  
25 called your attention to that need to be lenient, encouraged activity, rather  
26 than discourage it. We haven't seen any growth of this magnitude coming  
27 downtown outside of some financial buildings and I think you need to do  
28 everything you can to encourage this rather than discourage it. It sounds  
29 like the negotiations have been pretty rough already if you're expanding  
30 the parking lot for the fire station and putting fill back there on the back,  
31 somebody's already leaned on this group pretty hard to get a lot of  
32 concessions out of them for the City benefit, rather than bending over  
33 backwards to try to get them to come in here and do something. So I  
34 recommend you give it serious thoughts and let's try to encourage it and  
35 let this thing happen rather than to discourage it and put road blocks on it.  
36 Thank you.

37  
38 Scholz: Thank you. Anyone else in the public wish to speak to this?

39  
40 Gomez: Gentleman. Good evening. Dario Gomez. Dario Gomez Bail Bonds.  
41 After seeing what CVS is doing with the building structure, they didn't  
42 forget my building, after I saw their picture. My building is the old Nuts  
43 and Bolts, the old Conoco gas station that some of you are familiar with.  
44 When I found out that that building was either up for rent or for sale, I got  
45 on it. For what reason? Because I heard rumors that it was going to be  
46 tore down, my building that I got now, was going to be torn down and a

1 Starbucks was going to be coming in. I said hell no. This building has got  
2 historical. It's historical. Since I was knee high to a grasshopper I  
3 remember that place, across the park for where the cottonwood trees is  
4 grown right now we used to live there. My family history is well known  
5 here. I don't know if you know my family, my dad is former City  
6 Commissioner Johnny Gomez and he was Mayor Pro Tem. My grandpa  
7 was sheriff from '42 to '48, Santo Ramirez for Dona Ana County. Also he  
8 was the chief of police. I remember from when I was a little young'un, he  
9 used to sit over there where Pep Boys is not to let his officers know what  
10 was going on. They had a red light up there. That's how far with the  
11 history I was and that's why now I encourage ... now that I see how these  
12 people are trying to keep Las Cruces preserved. Not like how they tore  
13 down my catholic school that I went to and attended to on Main Street.  
14 I'm still upset. That's one of the reasons why I bought 887 North Main  
15 because I want to preserve Las Cruces and I appreciate CVS having that  
16 in their ideas of preserving Las Cruces and helping us keep it maintained.  
17 So, consider it would you please.

18  
19 Scholz: Okay, but isn't that building going to be torn down then?

20  
21 Gomez: Which one?

22  
23 Scholz: The one you're talking about.

24  
25 Gomez: Mine?

26  
27 Scholz: Oh, it's not. Oh, okay.

28  
29 Gomez: No. I made a promise to the Philips Corporation, the people that I bought  
30 it from, their family and everything, that if I purchased it, that as long as I  
31 live I would preserve it for Las Cruces.

32  
33 Scholz: Oh, it's not on this property then?

34  
35 Gomez: No it's cattycorner.

36  
37 Scholz: Thank you. When I drove around the property today and looked at it I  
38 thought your building was also included.

39  
40 Gomez: No, no, I'm cattycorner.

41  
42 Scholz: Great.

43  
44 Gomez: So I was worried about their approaches and I was worried about how  
45 they were going to flow the traffic past because ... and by seeing the print  
46 where they've got the approach here by the fire department, then it's not

1 going to hurt us over here on this corner, right in here.  
2  
3 Scholz: Right.  
4  
5 Gomez: Okay I was wondering how they, I thought they were going to probably try  
6 to put an approach here but no they have to have so many feet from the  
7 main road, so they did it over here which is good.  
8  
9 Scholz: Yeah, I think that gives good traffic circulation.  
10  
11 Gomez: And I was just afraid ... I was just wondering how they were going to try to  
12 make everything uniform ... were they going to have to widen the street,  
13 you know the intersection or what they were, but everything's going to be  
14 left the same as far as traffic flow right?  
15  
16 Scholz: Yes, I think so.  
17  
18 Gomez: Okay, but I'm really happy with their design of the building though. It's  
19 going to make kind of like mine, give it the historical look. And that's what  
20 we need to keep Las Cruces looking like we used to look.  
21  
22 Scholz: Thank you Mr. Gomez. Anyone else in the public? Yes, sir.  
23  
24 Zehtabian: Good evening gentlemen. My name is Farzin Zehtabian. And I have two  
25 buildings that sit north of the property that we are talking about which  
26 probably you can refer to it as old Tommy Roller Rink, 100 East  
27 Willoughby. It is a dead end street.  
28  
29 Scholz: Yes, it runs up against the pond doesn't it?  
30  
31 Zehtabian: Yes.  
32  
33 Scholz: Right.  
34  
35 Zehtabian: It's a very short street and it's a narrow street. I've been trying to get the  
36 drawings through the City to see how they are planning to use that street if  
37 they are going to use that street at all. There are three businesses there.  
38 There are three buildings and three businesses there, the two of them  
39 belong to me and my concern is the first time that I see the drawings and it  
40 still is a little bit (inaudible) to me how they are going to use that street.  
41 We have quite a few cars coming to that building on the corner because  
42 it's a cash, people come and get cash from that place, so there's a lot of  
43 traffic there. And also we get UPS and semi-tractor trailer back there to  
44 deliver stuff, goods to my building. So, since the street is dead end, my  
45 assumption by looking very quickly what they showed that they're going to  
46 access to that road and how are they going to control that traffic. If you

1 come to that road and try to get out of that street, it's very difficult at this  
 2 point without having CVS there. My assumption is that you're going to  
 3 have access to that road and there's going to be a lot of traffic coming and  
 4 it only can go toward one direction. And I would like to know how they're  
 5 going to control that. I mean it's a little vague to me. It's going to be a lot  
 6 of traffic there and it's going to affect my business and perhaps other  
 7 businesses there.

8  
 9 Scholz: Okay. I'll ask the applicant again to tell us about that.

10  
 11 Zehtabian: Very good sir.

12  
 13 Scholz: Thank you. We probably have a slide for this, don't we? Yeah. There we  
 14 go, site plan.

15  
 16 Steffen: Mr. Chairman Commissioners, we are proposing an access to Willoughby  
 17 as shown on the site plan and it's really a secondary access. The primary  
 18 access points are a proposed right in, right out on Picacho and a proposed  
 19 right in, right out here on North Main. The truck circulation will come in  
 20 here on North Main. This is the delivery area here. They will circulate out  
 21 back to Picacho. It's not intended for that truck to make use of  
 22 Willoughby, as the gentleman indicated is a narrow street, it would be very  
 23 difficult for the delivery truck, CVS using WB 67, very large delivery truck,  
 24 would be almost impossible for them to navigate as we have the drive  
 25 aisles laid out that way. Really the point for that access is to allow those  
 26 that need to go south on Main Street to make a left if they don't feel they  
 27 can get into the left turn lane here and out. At this point there is access  
 28 property at the north end and it is a potential that CVS will subdivide that  
 29 an it will be developed in the future for small office space, maybe small  
 30 retail, maybe the Starbucks goes in there that isn't going to be catty-corner  
 31 any more. And you know I think having some additional access would  
 32 benefit it. Can't tell you what the impacts of traffic of a future development  
 33 would be. We have submitted a traffic study to the City and it is my  
 34 understanding that traffic engineering has approved the traffic study and  
 35 we've addressed their concerns about it.

36  
 37 Scholz: Okay. Thank you. All right, anyone else from the public wish to comment  
 38 on this? Okay, I'm going to close it for public discussion. Gentlemen,  
 39 what's your pleasure Commissioner Crane?

40  
 41 Crane: I move that the application Case Z2858 be approved.

42  
 43 Scholz: All right, is there a second?

44  
 45 Shipley: Second.

46

- 1 Scholz: Okay it's been moved by Crane and seconded by Shipley. I'll call the roll.  
2  
3 Crane: Excuse me, I should've said approved with the conditions mentioned.  
4  
5 Ochoa: Point of order sir, there actually are no conditions for this proposed zone  
6 change.  
7  
8 Scholz: No, there were no conditions proposed.  
9  
10 Crane: Oh, okay.  
11  
12 Scholz: I looked for those earlier and it was findings I saw rather than conditions.  
13 Okay, I'll call the roll, Commissioner Shipley.  
14  
15 Shipley: Aye, findings, discussion, and site visit.  
16  
17 Scholz: Commissioner Crane.  
18  
19 Crane: Aye, findings, discussion, and site visit.  
20  
21 Scholz: Commissioner Stowe.  
22  
23 Stowe: Aye, discussions, findings, and site visit.  
24  
25 Scholz: Commissioner Beard.  
26  
27 Beard: Aye, findings, discussion, and site visit.  
28  
29 Scholz: Okay and the Chair votes aye for findings, discussion and site visit. So it  
30 passes 5:0.  
31 Okay at this point we're going into recess until 6:00 p.m. Tuesday  
32 and that will be the 27th if I remember right. What is next Tuesday's date?  
33 29th, thank you very much. Until the 29th. So we stand in recess.  
34

35 **MEETING ADJOURNED TO JANUARY 29, 2013 AT 9:17 P.M.**  
36  
37  
38  
39  
40

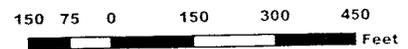
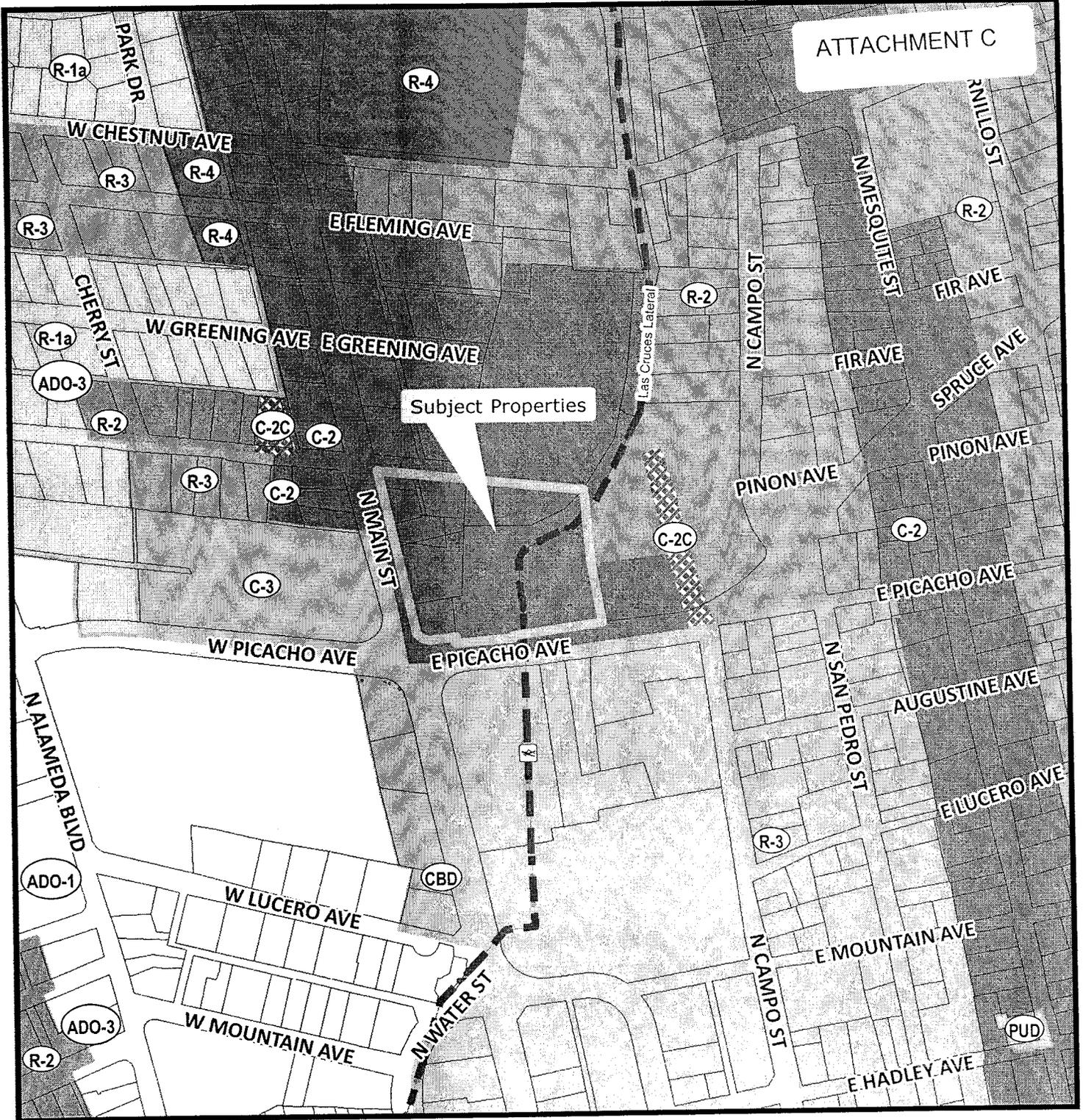
41 \_\_\_\_\_  
42 Chairperson  
43

ZONING: C-2 TO C-3  
OWNER: MULTIPLE

387  
Location Vicinity Map

PARCEL: MULTIPLE  
DATE: 12/03/2012

ATTACHMENT C



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

Legend

- Interstates\_Highway
- EBID Water System
- Railroad

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.