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Council Action and Executive Summary

Item # 4 **Ordinance/Resolution#** 2683

For Meeting of May 20, 2013 (Ordinance First Reading Date)

For Meeting of June 3, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: **AN ORDINANCE APPROVING A ZONE CHANGE FROM M1/M2 (INDUSTRIAL STANDARD) TO M1/M2/C-2c (INDUSTRIAL STANDARD/MEDIUM INTENSITY COMMERCIAL CONDITIONAL) FOR A 0.7 ACRE PARCEL, NUMBER 02-17413, LOCATED AT 1810 AND 1820 W. AMADOR AVENUE (CASE NO. Z2859). SUBMITTED BY THE PROPERTY OWNER, THE BURRIS BROTHERS LLC.**

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 4		
Drafter/Staff Contact: Susana Montana, Planner	**Department/Section:** Community Development/ Building and Development Services	**Phone:** 528-3207
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The applicant is the owner of the 30,012 square foot property and leases the building to two vehicle repair and body shop businesses. The current M1/M2 zoning allows the vehicle repair and body shop operations but does not allow on-site sale of vehicles. Adding a conditional C-2 zoning, limited to the sale of vehicles repaired on the premise and the sale of vehicle parts, would allow the two small businesses to secure the required State auto dealers' license to sell repaired vehicles on the premises. This limited commercial use would be ancillary to the primary industrial use and would prevent the encroachment of general commercial uses within the industrial district. Public notice over a two month period did not produce any inquiries or opposition from neighboring property owners. At the April 23, 2013 public hearing, the Planning and Zoning Commission voted unanimously (6 to 0) to recommend conditional approval of the rezoning request to the City Council.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Parcel Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission.
5. Attachment "B", Draft Minutes from the April 23, 2013 Planning and Zoning Commission Meeting.
6. Attachment "C", Location Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this would affirm the Planning and Zoning Commission's recommendation for conditional-approval of the rezoning Ordinance. The subject property would be rezoned from M1/M2 (Industrial Standard) to M1/M2/C-2c (Industrial Standard/Medium Intensity Commercial Conditional) which would allow the sale of vehicles repaired on the premises as well as the sale of vehicle parts.

2. Vote "No"; this would reverse the recommendation by the Planning and Zoning Commission for conditional-approval of the rezoning Ordinance. The current zoning of M1/M2 (Industrial Standard) would remain and the vehicle repair businesses could not offer for sale on the premises the vehicles that they repair in their shops.
3. Vote to "Amend"; this would allow the City Council to modify the Ordinance by amending or deleting the existing recommended conditions of approval and/or by adding new conditions or limitations to the C-2c portion of the rezoning Ordinance.
4. Vote to "Table"; this would allow the City Council to table/postpone action on 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. 13-028
ORDINANCE NO. 2683

AN ORDINANCE APPROVING A ZONE CHANGE FROM M1/M2 (INDUSTRIAL STANDARD) TO M1/M2/C-2c (INDUSTRIAL STANDARD/MEDIUM INTENSITY COMMERCIAL CONDITIONAL) FOR A 0.7 ACRE PARCEL, NUMBER 02-17413, LOCATED AT 1810 AND 1820 W. AMADOR AVENUE (CASE NO. Z2859). SUBMITTED BY THE PROPERTY OWNER, THE BURRIS BROTHERS LLC.

The City Council is informed that:

WHEREAS, the Burris Brothers LLC, owners of the 30,012 square foot property located at 1810 and 1820 W. Amador Avenue, shown in Exhibit "A" attached hereto, seek to change the zoning from M1/M2 (Industrial Standard) designation to M1/M2/C-2c (Industrial Standard/Medium Intensity Commercial Conditional) designation to allow vehicle repair business operators to sell repaired vehicles on the premises; and

WHEREAS, the Planning and Zoning Commission, after conducting a duly-noticed public hearing on April 23, 2013, recommended that said zone change request be conditionally-approved by a 6 to 0 vote (one Commissioner resigned and his position had not yet been filled) based on the findings shown in Exhibit "B" attached hereto; and

WHEREAS, the conditions of approval of the C-2c zoning are described below.

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, located at 1810 and 1820 W. Amador Avenue, is hereby zoned M1/M2/C-2c (Industrial Standard/Medium-Intensity Commercial Conditional).

(II)

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

(III)

THAT the zoning is conditioned as follows:

- The C-2c zoning designation commercial use shall be limited to (1) the sale of vehicles repaired on the premises; and (2) wholesale or retail sale of vehicle parts, both of these uses are deemed an accessory use to the principle uses of vehicle repair and body shop;
- If modifications to the site occur, the applicant shall meet NPDES requirements and reduce runoff from the site;
- The applicant shall be responsible for meeting applicable International Fire Code requirements for any upgrades to the existing building.

(IV)

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

(V)

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

DONE AND APPROVED this _____ day of _____20___.

APPROVED:

ATTEST:

_____
Mayor

_____
City Clerk

(SEAL)

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

Moved by: _____

Seconded by: _____

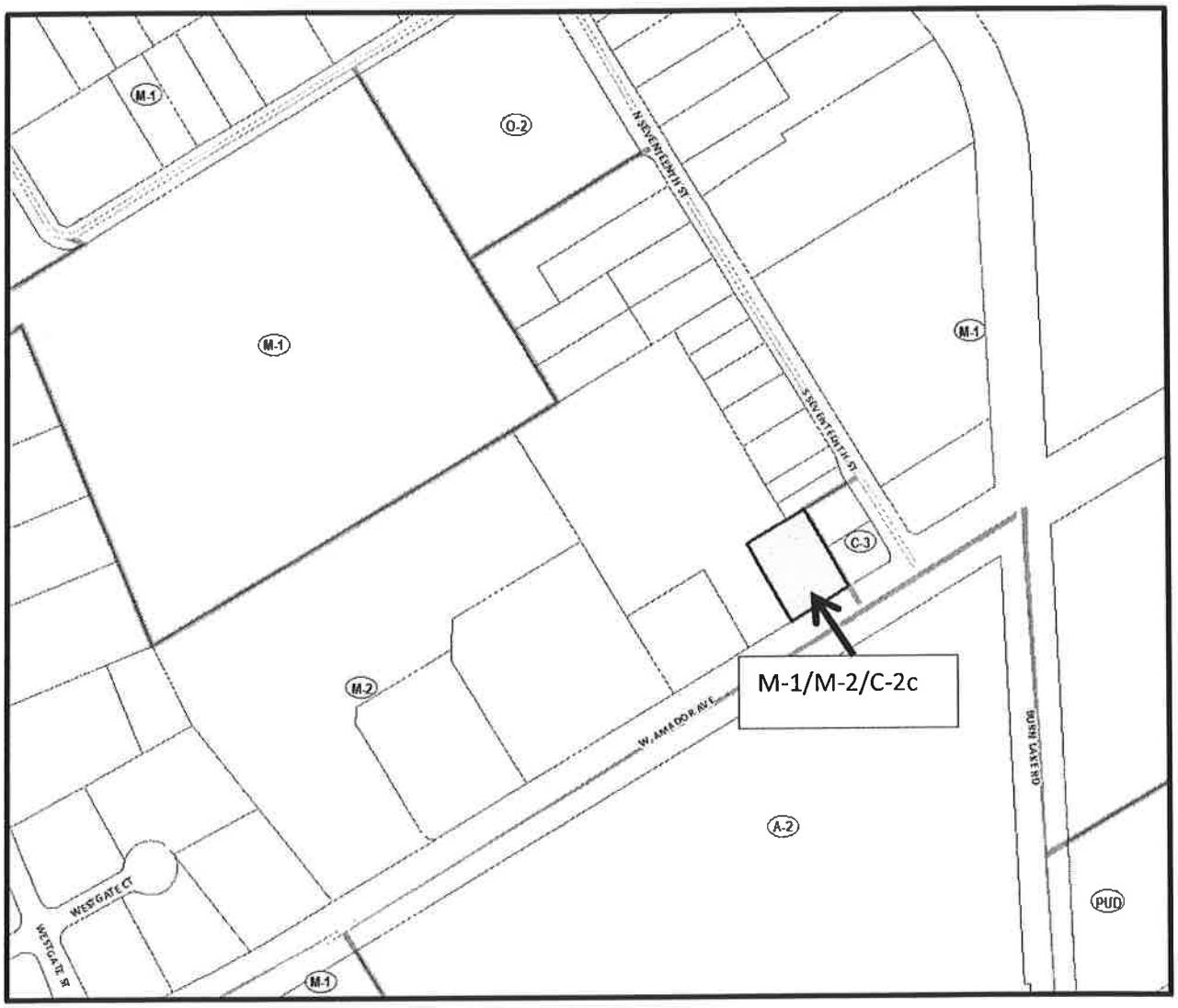
APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

Z2859; 1810-1820 W. Amador Avenue

Rezoning from M1/M2 District designation to an M1/M2/C-2c District designation



Proposed Zoning for Parcel 02-17413

Exhibit "B"

Case No. Z2859; 1810 to 1820 W. Amador Avenue
Rezoning from M1/M2 District designation to an M1/M2/C-2c District designation

Findings for Approval

1. The rezoning to M-1/M-2/C-2c, as conditioned, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2 and would positively address the Planning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code;
2. The rezoning to M-1/M-2/C-2c, as conditioned, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan; and
3. City agencies have reviewed the rezoning request against all applicable regulations and plans and recommend approval or conditional approval with the conditions noted below.

ATTACHMENT A

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Planning & Zoning Commission Staff Report

Meeting Date: April 23, 2013
Drafted by: Susana Montana, Planner SM

CASE #	Z2859	**PROJECT NAME:**	1820 Amador Avenue Rezoning
APPLICANT/ REPRESENTATIVE:	The Burris Brothers LLC.	**PROPERTY OWNER:**	The Burris Brothers LLC.
LOCATION:	1810 & 1820 W. Amador Avenue	**COUNCIL DISTRICT:**	District 4 (Nathan Small)
SIZE:	0.689 acres (30,012 square feet)	**EXISTING ZONING/ OVERLAY:**	M-1/M-2, Industrial Standard
REQUEST/ APPLICATION TYPE:	Zone Change from M-1/M-2 to M-1/M-2/C-2c		
EXISTING USE(S):	Auto body repair.		
PROPOSED USE(S):	Auto repair and sale of vehicles.		
STAFF RECOMMENDATION:	Conditional-approval adding the C-2c zoning designation to the current M-1/M-2 designation, based on the findings and with the recommended conditions of approval noted in Section 3 below.		

TABLE 1: CASE CHRONOLOGY

Date	Action
1/8/2013	Application submitted to Development Services
1/8/2013	Case sent out for review to all reviewing departments
1/17/2013	All comments returned by all reviewing departments
3/18/2013	Staff reviews and recommends approval of the zone change
4/7/2013	Newspaper advertisement
4/12/2013	Public notice letter mailed to neighboring property owners
4/12/2013	Sign posted on property
4/23/2013	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The Applicants/property owners are seeking a rezoning from M-1/M-2 to M-1/M-2/C-2c on behalf of their tenants who wish to sell vehicles that they repair on the property (see Attachment 1). The M-1/M-2 zoning designation allows the repair of vehicles but does not allow on-premise sale of these vehicles or of vehicle parts. Both existing tenants operate a body shop business on their half of the Site. The "4X4 Classic Body Shop" operates on the western half of the property and the "NM Classic Auto Works" operates on the eastern half. If the rezoning to include the C-2c designation were approved, each business would repair and sell vehicles on their half of the Site.

The 38,800 square foot property is comprised of Lots 7 and 8 of the Seventeenth Street Subdivision 1 recorded in 1984. Lots 7 and 8 divide the property in half in a north-south orientation (See Attachment 2, Site Plan) and also divide the 4,836 square foot building in half. The building is internally divided into two parts, separated by a fire wall, to accommodate two tenants. The approximately 17,500 square foot paved parking lot is also divided in two, separated along the lot line between Lots 7 and 8 by a chain link fence. Each tenant has use of half of the parking lot. Each half of the parking lot has a curb cut providing access to Amador Avenue.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

STANDARD	EXISTING	PROPOSED	ZONING CODE REQ.
Max # of DU/parcel	None	None	None
Building Square Footage	4,836 sq.ft.	Same	N/A
Minimum Lot Area	30,800 sq.ft.	30,800 Sq.ft.	M-1/M-2: 15,000 sq.ft. C-2: 10,000
Maximum Lot Area	same	same	M-1/M-2: N/A C-2: 43,560 sq.ft.
Minimum Lot Width	150 ft.	150 ft.	M-1/M-2: 60 ft. C-2: 60 ft.
Minimum Lot Depth	135 ft.	135 ft.	M-1/M-2: 70 ft. C-2: 70 ft.
Maximum Structure Height	20 ft.	20 ft.	M-1/M-2: 60 ft. C-2: 45 ft.
Setbacks			
Front	15 ft.	15 ft.	M-1/m-2: 15 FT. C-2: 15 FT.
Side	20 ft.	20 ft.	M-1/M-2: 20 ft. C-2" 5 ft.
Rear	35 ft.	35 ft.	M-1/M-2: 15 FT. C-2:15 ft.
Parking			
Vehicular	16 spaces	16 spaces	Auto repair: 1 space per 300 Gross Floor Area or 16 spaces Auto sales: same
Bicycle	None	1 bike rack	1 bike rack
Landscaping			
Total sq. ft.	None	None	None required unless alterations valued at $25,000 or more are proposed.

Buffering			
Bufferyard	None	None	None required.
Screen Type	N/A	N/A	N/A

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID facilities	No	
Medians/ parkways landscaping	No	Chapter 32, Article IV, Development Standards for Landscaping requires onsite landscaping and median/parkway landscaping for new construction, additions or alterations Currently there is no landscaping onsite or along the adjacent median. The zone change, without additional development or alterations, does not trigger the landscaping requirement.
Other		

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Auto body shops	None	M-1/M-2, Industrial Standard
North	Vacant lot	None	M-1/M-2, Industrial Standard
South	Agriculture	None	A-2, Rural-Agricultural
East	Retail store	None	C-3, High intensity commercial
West	Social Service Office	None	M-1/M-2, Industrial Standard

The area is generally characterized by light industrial uses, particularly retail and wholesale businesses related to the building trades, including sale of construction materials and building maintenance and repair services. Immediately northeast of the Site is the office and contractor's storage yard for a roofing company. Northwest of the Site is an approximately 5-acre vacant lot.

However, the property immediately east of the Site is a retail establishment selling animal feed and supplies (Mesilla Valley Feed and Supplies); this property is zoned C-3, High Intensity Commercial which is an anomaly in the predominantly industrially-zoned neighborhood (see Attachment 3). The property immediately west of the Site is part of the 5-acre parcel to the north that is zoned M-2 but is currently vacant. The portion of that property abutting the Site is occupied by an office building currently housing the Big Brothers and Big Sisters organization, a social service agency.

Amador Avenue abuts the Site to the south. Across Amador to the south is a 35-acre parcel in agricultural production and zoned Agricultural. Beyond that agricultural plot is the City-owned Burn Lake recreational facility (see Attachment 4).

TABLE 5: PARCEL LAND USE HISTORY

Number	Status
Permit	2009-plumbing permit; 2011- electrical permit; 2013- install spray booth.
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see Attachment 5.

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	Yes, see Condition of Approval 1 limiting commercial use to accessory sales of vehicles repaired on-site.
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	Yes. Access to Amador Avenue should be limited to one point; see Comp. Plan discussion below.
CLC CD Engineering Services	Yes	Yes, runoff from the Site must be reduced, see Condition of Approval 3 below.
CLC Traffic	Yes	No
CLC Fire & Emergency Services	Yes	Building upgrades must comply with International Fire Code; see Condition of Approval 4 below.
CLC Utilities	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria:

Although the City's Zoning Code does not outline criteria specific to the evaluation of a rezoning application, the Planning and Zoning Commission is obligated to analyze projects and make decisions utilizing: (1) Relevant policies noted in the City of Las Cruces Comprehensive Plan; (2) relevant Purposes and Intent statements in the City's Zoning Code; and (3) relevant Criteria for Decisions by the Planning and Zoning Commission in the Las Cruces Municipal Code. Refer to the *Analysis and Conclusion* section below for an evaluation of the proposed project against these relevant policies, purpose statements and decision criteria.

Applicable Comprehensive Plan Elements & Policies:

Economic Development Element

Goal 1: To provide strong development policies that allow for the retention, expansion, and attraction of existing and new businesses and industries in and to Las Cruces.

Objective 5: Continue efforts to develop industrial areas and uses with the City.

Land Use Element

Goal 1:Create an interconnected and supportive system of land use policy for the City.

Objective 5: Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

Policies

1.5.2. Medium intensity commercial [C-2 zoning] uses shall be defined as those commercial uses which provide retail and service activities within a neighborhood area. Medium intensity commercial uses shall generally serve a population of 5,000 to 30,000 people and shall be established according to the following criteria:

a. Generally 1,500 but not to exceed 5,000 gross square feet shall be permitted for a medium intensity commercial use or center. A business may apply for a special use when said business is greater than 5,000 gross square feet, but may not exceed 6,000 square feet.

b. Medium intensity commercial use and centers shall be located on minor collector streets, or at the intersection of streets equal to or greater than collector capacity. 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. An unlimited number of low or medium intensity commercial uses may be located adjacent to one another as long as the combined total of the uses does not exceed 5,000 gross square feet.

d. With the exception of low intensity commercial businesses, medium intensity commercial uses shall not be located within one-half (½) mile of other commercial areas.

e. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for medium intensity commercial use and centers.

f. Medium intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, a provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for medium intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

g. Adequate space for functional circulation shall be provided for parking and loading areas.

h. The City shall encourage the development of medium intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment related conflicts to adjacent uses.

i. Low intensity commercial uses are permitted in medium intensity commercial areas.

Goal 1 Objective 7: Establish land use policy, for the purposes of the Land Use Element, for light, standard, and heavy industrial and manufacturing uses.

Policy 1.7.1 Light industrial uses [M-1 zoning] shall be defined as those industrial uses which generate research, development, warehousing and manufacturing activities with minimal impact to the surrounding environment. Light industrial uses and parks shall be established according to the following criteria:

a. Uses shall be located on, or have direct access to, collector and arterial streets.

b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for light industrial uses and centers.

c. Light industrial use and park development shall address the following urban design criteria: compatibility to adjacent uses in terms of architectural design, height/density, and provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards shall be established in the Comprehensive Plan Urban Design Element.

d. Adequate space for functional circulation shall be provided for loading areas.

e. The City shall encourage the development of light industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.

f. The City shall encourage the development of light industrial uses and parks in the West Mesa Industrial Park and East Mesa areas.

Policy 1.7.2 Standard industrial uses [M-2 zoning] shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:

a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.

b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.

c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.

d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.

Transportation Element

Goal 1:Thoroughfare: To attain maximum vehicular movement and minimum congestion in a cost effective, timely, and environmentally sound manner.

Policy 2.1.b: Major Arterials. Access shall be limited and shared according to the amount of property frontage, maximizing and protecting through traffic. The frequency and size of access points should also be determined by adjacent land use and zoning. Adjoining property owners may be responsible for coordinating shared access agreements with their neighbor. Corner properties having less than the required frontage for access, may only be granted access from the lower classified and/or lower volume street.

Relevant Zoning Code Purpose and Intent Statements [Article I, Section 38-2.]

The Purpose and Intent Statements relevant to the proposal are:

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements, which are designed to:
    - Mitigate congestion in the streets and public ways.
    - Prevent overcrowding of land.
    - Avoid undue concentration of population.
    - Control and abate the unsightly use of buildings or land.

- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
- Encourage development of vacant properties within established areas.
- Ensure that development proposals are sensitive to the character of existing neighborhoods.
- Conserve the value of buildings and land.
- Reduce noise, glare and odor.
- Mitigate conflicts among neighbors.

Planning and Zoning Commission Criteria for Decisions [LCMC Section 2-382]

In addition to a review of the Comprehensive Plan, future land use plan, and other applicable plans and codes, the Planning and Zoning Commission must review and determine whether the request would:

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.

Analysis:

The property has an industrial zoning designation of M-1/M-2, Industrial Standard. The M-1/M-2 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses.

The Applicant is the owner of the property, a corporation, which also manages the property. The Applicant is seeking the rezoning to ***add*** the limited C-2, Medium Intensity Commercial, zoning designation to facilitate the current tenants' desire to sell vehicles that they repair on the premises. However, a generalized, without limitation, C-2 zoning designation would allow a wide range of personal service, retail, institutional uses and residential uses on the property which would not be appropriate in an industrial neighborhood and would conflict with Comprehensive Plan policies seeking to retain industrial businesses in the City and would conflict with Commission Decision Criteria Number 7 in that retail uses consistently bid up the price of light industrial lands which makes it difficult, if not impossible, for service industries, such as the Applicant's tenants, to expand or relocate in the City. Furthermore, institutional uses like an elementary school or residential uses which are permitted in a C-2 District would not be appropriate in an industrial neighborhood or located on a principal arterial roadway.

However, allowing the retail sale of vehicles that have been repaired on the premises would strengthen the light industrial businesses that occupy the property. This would address Goal 1 of the Economic Development Element of the City's Comprehensive Plan. Technically, the sale of three vehicles within a

one year period constitutes an "auto dealer" according to the New Mexico Regulation and Licensing Department. Restricting the sale of vehicles to those repaired on the premises would allow the current business operators to secure their proper auto dealer licenses but would not allow them to operate a "car lot", per se, on the property, nor would it allow an auto dealership to occupy the Site should the current tenants relocate in the future. Limiting the sale of vehicles or vehicle parts to an *accessory use* of each of the businesses on the Site would limit encroachment of medium-intensity commercial activity into the industrial zoning district, thereby retaining the industrial use and character of the property and area and avoiding the encroachment of auto dealerships that dominate the Valley Drive commercial zones into this industrial neighborhood.

The Site is accessed by two curb cuts (driveways) from West Amador Avenue, a principal arterial roadway. The City's Comprehensive Plan seeks to limit curb cuts and access to properties from major arterial roads. The City's Metropolitan Planning Organization's (MPO) comment on the proposed rezoning suggests eliminating the lot lines between Lots 7 and 8 because one building spans both lots and could be served by one curb cut if the lots were merged. If this rezoning were proposed to accommodate a new development located on the Amador Avenue principal arterial, MPO would strongly recommend limiting the access point to one. However, for the following reasons, their suggestion for this property would not warrant a specific condition of approval to remove one of the curb cuts because: (1) The two curb cuts exist and serve two separate tenants whose rental space is separated by an internal fire wall inside the building and by a chain link fence in the paved parking lot; (2) each of the driveway cuts were recently reconstructed by the City after installing utility lines along Amador Avenue; (3) the Site is located on the "departure side" of the signalized intersection at 17th Street and not on the "approach" side of the intersection where turning movements into the Site would impede traffic; and (4) there is a non-traversable median along Amador in front of the Site which allows only "right-in/right-out" turning movements into and from the Site which reduces conflicts in vehicular movements along the principal arterial roadway. Furthermore, the Applicant wishes to retain both curb cuts to give them greater flexibility in leasing the property to one tenant or two tenants, each needing driveway access. Because of these factors, and the Applicant's desire to retain flexibility in leasing to tenants needing smaller industrial spaces, retaining the two curb cuts would positively address both the Land Use and Transportation policies of the Comprehensive Plan. Limiting the sale of vehicles and vehicle parts to *an accessory use* to the industrial businesses would address the Economic Development policies of the Comprehensive Plan.

Limiting commercial and other uses allowed or conditional in the C-2 zoning district on the Site would positively address the following Zoning Code Purpose and Intent statements: (1) Mitigate congestion in the streets and public ways; (2) prevent overcrowding of land; and (3) give reasonable consideration to the character of the industrial zoning district and its suitability for particular uses and, in this case, for its suitability for limited commercial use.

The Site is not landscaped and stormwater runoff should be contained on the property, pursuant to NPDES requirements. Stormwater runoff from the building roof and parking areas can be captured on-site by providing ponding or using depressions in combination with added landscaping. The City's Engineering/Drainage Division recommends such treatment should additions or improvements to the property be undertaken in the future.

Conclusion:

Rezoning the property to the M-1/M-2/C-2c designation would allow the limited retail sales for each of the auto repair businesses, as an accessory use, would strengthen those businesses and facilitate the retention of an industrial business on an industrially-zoned property and would positively address the Planning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code.

Limiting the sale of vehicles to those repaired on the premises would not constitute a "spot zoning" but, rather, would clarify that the sale of those vehicles is deemed an acceptable *accessory use* to the principal, allowed industrial use of the industrially-zoned property. As noted earlier, the proposed

rezoning of the M-1/M-2 zoned property to M-1/M-2/C-2c designation would positively address policies of the City's Comprehensive Plan. The lower case "c" after the C-2 label indicates that there are limitations or specific conditions to the C-2 use for this property.

STAFF RECOMMENDATION

Staff recommends **CONDITIONAL-APPROVAL** of the proposed rezoning to M-1/M-2/C-2, based on the following findings listed below and with the three conditions listed below:

FINDINGS FOR APPROVAL

1. The rezoning to M-1/M-2/C-2c, as conditioned, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2 and would positively address the Planning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code;
2. The rezoning to M-1/M-2/C-2c, as conditioned, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan; and
3. City agencies have reviewed the rezoning request against all applicable regulations and plans and recommend approval or conditional approval with the conditions noted below.

RECOMMENDED CONDITIONS OF APPROVAL

1. The C-2c zoning designation commercial use shall be limited to (1) the sale of vehicles repaired on the premises; and (2) wholesale or retail sale of vehicle parts, both of these uses are deemed an accessory use to the principle uses of vehicle repair and body shop.
2. If modifications to the site occur, the Applicant shall meet NPDES requirements and reduce runoff from the Site.
3. The Applicant shall be responsible for meeting applicable International Fire Code requirements for any upgrades to the existing building.

ATTACHMENTS

1. Application/Development Statement
2. Site Plan
3. Zoning Map
4. Location Map
5. Reviewing Department/Agency Comments and/or Conditions

ATTACHMENT 1

City of Las Cruces®
PEOPLE HELPING PEOPLE

CITY OF LAS CRUCES DEVELOPMENT APPLICATION

700 N. Main Street, Suite 1100 or PO Box 20000, Las Cruces, New Mexico 88004
(575) 528-3043 (Voice) (575) 528-3155 (FAX) 1-800-659-8331 (TTY)

A preapplication meeting is required prior to the filing of an application at which the subdivider shall submit a concept plan of the proposed development to the community development staff for review.
Community Development staff will not accept incomplete applications.

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. **The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling (575) 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodation is necessary.** This document can be made available in alternative formats by calling the same numbers listed above.

(Case # Z 2859)

SUBJECT PROPERTY ADDRESS: 820 W. AMADOR / 810 W. AMADOR, LAS CRUCES, NM

PROPERTY TAX ID# 4-006-135-033-520 **PARCEL ID#** 02-17413

PROPERTY OWNER(S) of record: THE BURRIS BROTHERS, LLC

Address: 780 S. WALNUT City LAS CRUCES State NM Zip 88001

Phone: Home(575) 649-1356 Work(575)527-2067 Mobile(575)649-1356 Fax(575) 526-1466

APPLICANT/CONTACT PERSON: If different from owner, additional space provided on the back.

Name: NORMAN FRISTOE Title/Company: MANAGING MEMBER/THE BURRIS BROTHERS, LLC

Address: 780 S. WALNUT City LAS CRUCES State NM Zip 88001

Phone: Home(575)649-1356 Work(575)527-2067 Mobile(575)649-1356 Fax(575) 526-1466

email address: nfristoe@fristoeandcompany.com

Check and complete all boxes that apply:

PLANNING AND ZONING COMMISSION			
	Zoning From M2 to M1/M2/C-3		Master Plan
	Variance From ____ to ____		Preliminary Plat
	Special Use Permit (SUP)		Final Plat
	New / Renewal/Time Ext / Amendment		Replat
	Planned Unit Development (PUD)		Alternate Summary
	1. Concept Approval		Infill Sub. Conceptual Plan
	2. Final Site Plan Approval		Vacation Subdivision
	3. Amendment		Annexation Petition/Plat/Initial Zoning Req.
	4. Renewal / Time Extension		
	West Mesa Ind. Park		University District
	Infill Development Requests(s):		South Mesquite
APPEAL TO:	PLANNING & ZONING COMMISSION		CITY COUNCIL

SIGNATURE(S): By signing the application, you hereby acknowledge that **ALL** the information submitted on and with this application is true and correct to the best of your knowledge. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, **ALL** owners must sign the application.

Owner(s):

Would the property owner like to receive a copy of all correspondence sent to the applicant?

Property Owner Please Initial: Yes NLF. **No** _____

NORMAN L. FRISTOE (MEMBER MANAGER) Date 1/3/2013

Property Owner 1

_____ Date _____

Property Owner 2

_____ Date _____

Applicant/Representatives(s), if different from owner:

NOTE: The Owner, Applicant or legal representative must attend all public hearings.

ADDITIONAL APPLICANTS / CONTACT PERSONS, if different from owner:

Property Owner 1:

Name: NORMAN L. FRISTOE Title/Company: MEMBER/MANAGER, THE BURRIS BROTHERS, LLC

Address: 780. S. WALNUT City LAS CRUCES State NM Zip 88001

Phone-Home (575) 649-1356 Work(575) 527-2067 Mobile(575)649-1356 Fax(575) 526-1466

Property Owner 2:

Name: _____ Title/Company: _____

Address: _____ City _____ State ____ Zip _____

Phone-Home (____) _____ Work(____) _____ Mobile(____) _____ Fax(____) _____

Applicant/Representative:

Name: NORMAN L. FRISTOE Title/Company: MEMBER/MANAGER, THE BURRIS BROTHERS, LLC

Address: 780 S. WALNUT City LAS CRUCES State NM Zip 88001

Phone-Home (575) 649-1356 Work(575) 527-2067 Mobile(575)649-1356 Fax(575) 526-1466

**********STAFF USE ONLY**********

Accepted by:	KHR	Fee Paid:	$ 600.00	Date Fee Paid	1/8/13
Receipt No.	# 4187497	Check Number	# 112	Case Number	ZZ859
Submittal Date	1/8/13	Submittal Complete		Assigned to:	SXR

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: THE BURRIS BROTHERS, LLC

Contact Person: NORMAN L. FRISTOE, CPA

Contact Phone Number: (575) 649-1356 or (575) 527-2067

Contact e-mail Address: nfristoe@fristoeandcompany.com

Web site address (if applicable): _____

Proposal Information

Name of Proposal: ZONING MODIFICATION

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

COMMERCIAL M2 AND C-3 AUTO DEALER

Location of Subject Property 1810 & 1820 AMADOR, LAS CRUCES, NM

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Acreage of Subject Property: 0.689 ACRES

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

M-2 - INDUSTRIAL AUTO BODY SHOP

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

M-2/C-3 AUTO DEALER

AUTO DEALER (USED AUTOS AND RV'S) AND BODY SHOP

Zoning of Subject Property: M-2

Proposed Zoning (If applicable): M-2 WITH C-3 AUTO DEALER

Proposed number of lots NO CHANGE, to be developed in _____ phase (s).

Proposed square footage range of homes to be built from _____ to _____

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

N/A

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

8 - 5 MONDAY THROUGH SATURDAY

Anticipated traffic generation 20 trips per day.

Anticipated development schedule: work will commence on or about _____

and will take EXISTING to complete.

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

ESISTING

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). WILL LANDSCAPE FRONT OF LOT WITH NEW SIGNAGE

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

Is there existing landscaping on the property? NONE

Are there existing buffers on the property? YES

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

If yes, is it paved? Yes XX No ___

How many spaces? _____ How many accessible? _____

Attachments

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

✓Location map

~~Subdivision Plat (If applicable)~~

Proposed building elevations

*renderings of architectural or site design features

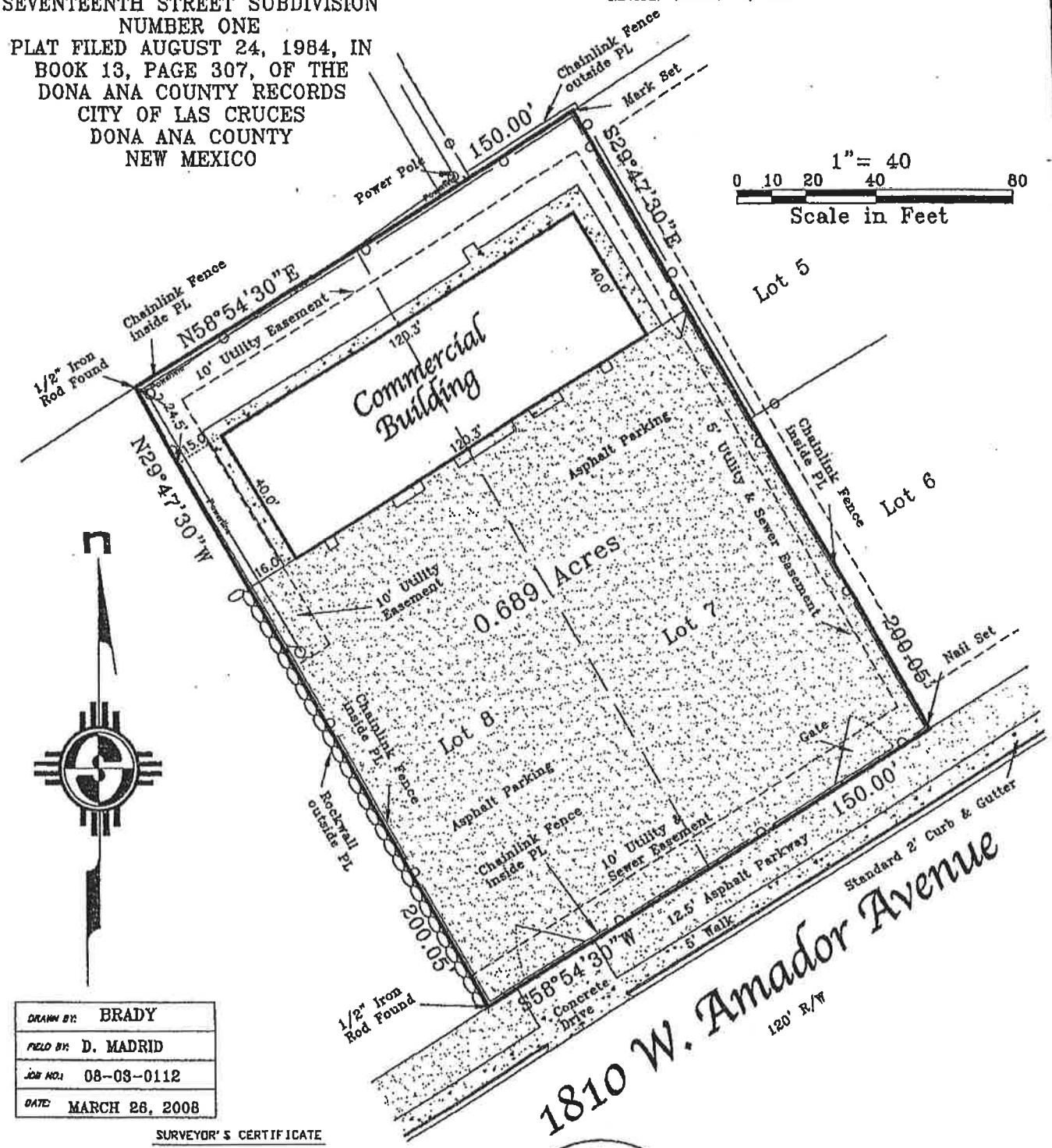
*other pertinent information

ATTACHMENT 2

PLAT OF SURVEY

LOTS 7 AND 8
SEVENTEENTH STREET SUBDIVISION
NUMBER ONE
PLAT FILED AUGUST 24, 1984, IN
BOOK 13, PAGE 307, OF THE
DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES
DONA ANA COUNTY
NEW MEXICO

PROPERTY IS IN AN "AE" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0631 E, EFFECTIVE SEPTEMBER 27, 1991. REVISED AUGUST 8, 2002.



DRAWN BY:	BRADY
FIELD BY:	D. MADRID
JOB NO.:	08-03-0112
DATE:	MARCH 26, 2008

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARCH 26, 2008
DATE OF SURVEY

TED G. SCANLON - PS NO. 9433
540 N. WATER STREET, LAS CRUCES, NM 88001

TERENCE G. SCANLON
NEW MEXICO
9433
REGISTERED PROFESSIONAL LAND SURVEYOR

scanlon white inc.
3780 Foothills, Suite C
Las Cruces, New Mexico 88011
Phone: (505) 525-2112
Fax: (505) 525-1226

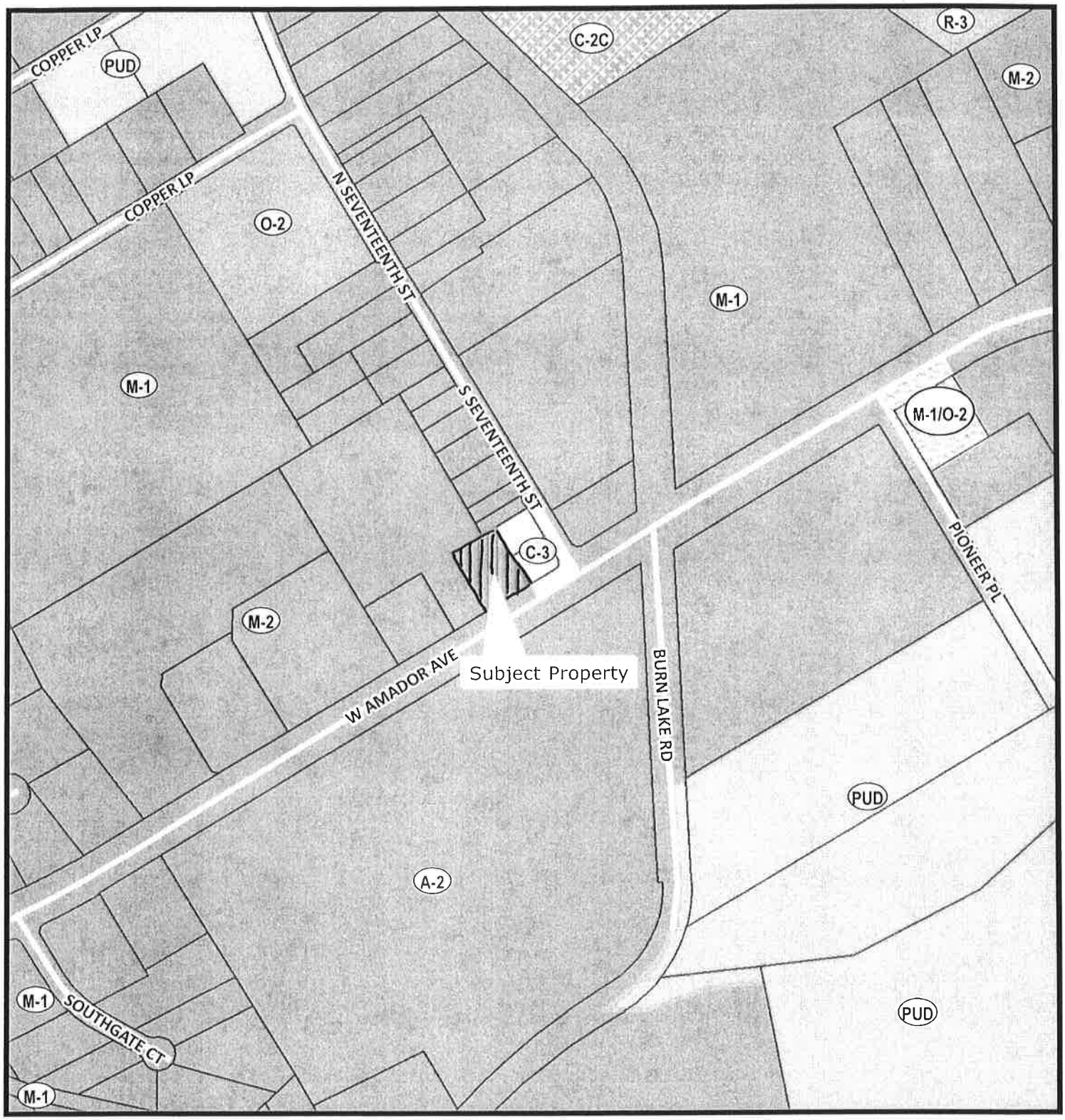
From ID 025809

ATTACHMENT 3

ZONING: M1/M2, Industrial, Standard
OWNER: Burris Brothers

Zone Map

PARCEL: 02-17413
DATE: 02/01/13



Z2859 Rezone from M1/M2 to M1/M2/C-2c

150 75 0 150 300 450 600 Feet

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

Legend
City Parcel

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.

ATTACHMENT 4

ZONING: M1/M2, Industrial, Standard
OWNER: Burris Brothers

Location Vicinity Map

PARCEL: 02-17413
DATE: 02/01/13

Z2859 Rezone from M1/M2 to M1/M2/C-2c

15 0 50 150 300 450 600 750 900 1,050 1,200 1,350 1,500 Feet

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

Legend

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.

ATTACHMENT 5

City of Las Cruces
Planning and Zoning Commission
Rezoning Case Review Sheet

CURRENT PLANNING:

Case #: Z2859 Date: January 8, 2013

Request: 810 to 820 W. Amador Avenue
Zone Change from M-2 to M-1/M-2 C-3 to allow an auto body shop with sales of vehicles on an existing 0.690-acre parcel developed with a 4,800 square foot commercial building and paved parking area.

COMMENTS:

The Applicant amended the rezoning request on January 17, 2013 to M1/M2 and C-2 instead of C-3. Therefore, staff recommends approval of the M1/M2/C-2 zoning to allow vehicle repair and body shop within the C-2 land use provided the sale of vehicles and vehicle parts is deemed an accessory use to the aforementioned industrial use of the property.

RECOMMENDATION: conditional **APPROVAL** _____ **DENIAL**

– Susana 528-3207 1/17/13

Z2859 (M1 to M1/M2 and C-3) **January 14, 2013**
1810-1820 W Amador Avenue
Advanced Planning Comments (Carol McCall)

Conclusions

The subject property is located on Amador Avenue, a principal arterial and is near 17th Street, a collector; this is a suitable location for C-3 zoning. The proposed zone change is intended to facilitate auto sales on the same lot as an auto repair business. The current zoning on this property is M-1, a hold-over from the original 2001 Zoning Code as amended. The zoning designation was changed to M-1/M-2 with an amendment in 2007. A zone change to M1/M2 would therefore bring the parcel into conformance with the current Zoning Code. Other zoning in this area is primarily M1/M2, with various commercial land uses present that have been in place for many years. These include retail and wholesale supply businesses that cater primarily to the construction trades. Adding auto sales here won't change the functionality of the corridor to a noticeable extent and continuing to allow M1/M2 uses provides additional flexibility for the property owners.

The adjacent two properties to the east (under one ownership) are zoned C-3 and the existing retail business straddles the two parcels. It should be noted that these properties are each 0.26-acres in size for a total of 22,651 sq.ft.

The minimum lot size for a C-3 district is 21,780 sq.ft. (1/2 acre) and the subject parcel is 30,492 sq.ft., making it suitable for C-3 zoning. The minimum lot size for the C-2 zoning district is 10,000 sq.ft. with a maximum lot size of one acre (43,560 sq.ft.). Auto sales is an allowable use in either the C-2 or C-3 zoning districts and auto repair is a conditional use in both the C-2 and C-3 districts, the condition being that auto parts not be stored outside the building. Therefore, the proposed use on this parcel would be appropriate for either C-2 orC-3 zoning.

But given the policies noted below, the use of the property seems more appropriate for an M-1/M-2/ C-2 zoning designation, rather than the C-3 designation. This option is long range planning staff's recommendation.

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

Land Use Element, Goal 1 (Land Uses)

Goal 1 Objective 5

Policies

1.5.2. Medium intensity commercial uses shall be defined as those commercial uses which provide retail and service activities within a neighborhood area. Medium intensity commercial uses shall generally serve a population of 5,000 to 30,000 people and shall be established according to the following criteria:

a. Generally 1,500 but not to exceed 5,000 gross square feet shall be permitted for a medium intensity commercial use or center. A business may apply for a special use when

said business is greater than 5,000 gross square feet, but may not exceed 6,000 square feet.

b. Medium intensity commercial use and centers shall be located on minor collector streets, or at the intersection of streets equal to or greater than collector capacity. 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. An unlimited number of low or medium intensity commercial uses may be located adjacent to one another as long as the combined total of the uses does not exceed 5,000 gross square feet.

d. With the exception of low intensity commercial businesses, medium intensity commercial uses shall not be located within one-half (½) mile of other commercial areas.

e. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for medium intensity commercial use and centers.

f. Medium intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, a provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for medium intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

g. Adequate space for functional circulation shall be provided for parking and loading areas.

h. The City shall encourage the development of medium intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment related conflicts to adjacent uses.

i. Low intensity commercial uses are permitted in medium intensity commercial areas.

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.

Goal 1 Objective 7

1.7.1 Light industrial uses shall be defined as those industrial uses which generate research, development, warehousing and manufacturing activities with minimal impact to the surrounding environment. Light industrial uses and parks shall be established according to the following criteria:

a. Uses shall be located on, or have direct access to, collector and arterial streets.

b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for light industrial uses and centers.

c. Light industrial use and park development shall address the following urban design criteria: compatibility to adjacent uses in terms of architectural design, height/density, and provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards shall be established in the Comprehensive Plan Urban Design Element.

d. Adequate space for functional circulation shall be provided for loading areas.

e. The City shall encourage the development of light industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.

f. The City shall encourage the development of light industrial uses and parks in the West Mesa Industrial Park and East Mesa areas.

1.7.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:

a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.

b. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit where available) for standard industrial uses and centers.

c. Standard industrial development shall address the following urban design criteria: compatibility in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for standard industrial uses shall be established in the Comprehensive Plan Urban Design Element.

d. The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.

Planning and Zoning Commission
MPO REZONING REVIEW COMMENTS

Case #: Z2859 Date: January 8, 2013

Request: 1810 to 1820 W. Amador Avenue
Zone Change from M-2 to M-1/M-2 C-3 to allow an auto body shop with sales of vehicles on an existing 0.690-acre parcel developed with a 4,800 square foot commercial building and paved parking area.

Please submit your comments to Susana Montana and MUNIS by Wednesday, January 16th.

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Amador	Adj		Princ Art	120	Adj to Route 80	8626 (2009)		

Recommended Conditions of Approval

~~MPO staff [illegible]~~ MPO staff recommends eliminating lot line and merging lots 7 & 8 into a single lot and since Amador is a principal arterial reducing the access points to one point.

Additional Comments

City of Las Cruces®
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

To: Engineering Services

Case #: Z2859 Date: January 8, 2013

Request: 810 to 820 W. Amador Avenue
Zone Change from M-2 to M-1/M-2 C-3 to allow an auto body shop with sales of vehicles on an existing 0.690-acre parcel developed with a 4,800 square foot commercial building and paved parking area.

Please submit your comments to Susana Montana and MUNIS by Wednesday, January 16th

FLOOD ZONE DESIGNATION:

Zone A	(Flood elevation needed)	
Zone AE	(Flood elevation known)	6317F (flow path 15)
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)	

This property is located in a SFHA; be advised that any development or substantial improvement may require the property owner to meet FEMAs LOMC process.

DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES ✓	NO ___	N/A ___
Drainage Study needed	YES ___	NO ✓	N/A ___
Other drainage Impr. needed	YES ✓	NO ___	
Sidewalk extension needed	YES ___	NO ✓	
Curb & gutter extension needed	YES ___	NO ✓	
Paving extension needed	YES ___	NO ✓	
NMDOT permit needed	YES ___	NO ✓	

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Conditional Approval _____ Denial

- As part of meeting NPDES requirements, runoff from the site must be decreased. This can be in the form of ponding or using depressions in combination with landscaping

City of Las Cruces
Planning and Zoning Commission
Rezoning Case Review Sheet

RECEIVED
JAN 09 2013
TRAFFIC

TRAFFIC ENGINEERING:

Case #: Z2859 Date: January 8, 2013

Request: 1810 to 1820 W. Amador Avenue
Zone Change from M-2 to M-1/M-2 C-3 to allow an auto body shop with sales of vehicles on an existing 0.690-acre parcel developed with a 4,800 square foot commercial building and paved parking area.

Please submit your comments to Susana Montana and MUNIS by Wednesday, January 16th.

SITE ACCESSIBILITY: *

Adequate deriving aisle	Yes ____	No ____	N/A ✓
Adequate curb cut	Yes ✓	No ____	N/A ____
Intersection sight problems	Yes ____	No ✓	N/A ____
Off-street parking problems	Yes ____	No ____	N/A ✓

ON-STREET PARKING IMPACTS:

None ✓ Low ____ Medium ____ High ____

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

Yes ____ If yes, what intersection? _____
No ✓ 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 _____ Conditional Approval _____ Denial

Traffic K.E. per W.R.

City of Las Cruces
Planning and Zoning Commission
FIRE PREVENTION BUREAU Rezoning Case Review Sheet

Case #: Z2859 Date: January 8, 2013

Request: 1810 to 1820 W. Amador Avenue
Zone Change from M-2 to M-1/M-2 C-3 to allow an auto body shop with sales of vehicles on an existing 0.690-acre parcel developed with a 4,800 square foot commercial building and paved parking area.

Please submit your comments to Susana Montana and MUNIS by Wednesday, January 16th

ACCESSIBILITY ISSUES: * CONCERN

	Low	Medium	High
Building Accessibility		X	
Secondary Site/Lot Accessibility	X		
Fireflow/Hydrant Accessibility	X		

Type of Building Occupancy: S-1

Closest fire department that will service this property:

Name Station 3

Address/ Location 390 N Valley

Distance from subject property (miles) 1

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.

DEPARMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval ____ Denial
Conditional

Building upgrades or paint spray booth compliant with IFC shall be required.

Planning and Zoning Commission
Utilities Rezoning Case Review Sheet

Case #: Z2859 Date: January 8, 2013

Request: 1810 to1820 W. Amador Avenue
Zone Change from M-2 to M-1/M-2/C-3 to allow an auto body shop with sales of vehicles on an existing 0.690-acre parcel developed with a 4,800 square foot commercial building and paved parking area. Please submit your comments to Susana Montana and MUNIS by Wednesday, January 16th.

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 service capable of handling increased usage:

Yes ✓

No ____

Comment _____

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces ✓

Rio Grande ____

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 RECOMMENDATIONS & OTHER COMMENTS:

Recommendation: ✓ Approval ____ Denial

Additional comments:

_____

_____

_____

John Reid
01/16/13

ATTACHMENT B

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
April 23, 2013 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Godfrey Crane, Chair
William Stowe, Vice-Chair
Charles Beard, Secretary
Ray Shipley, Member
Charles Scholz, Member
Joanne Ferrary, Member

STAFF PRESENT:

Vincent Banegas, Deputy Director, Community Development, CLC
Katherine Harrison-Rogers, Community Development, CLC
Susana Montana, Community Development, CLC
Rusty Barrington, Legal Department, CLC
Robert Cabello, Legal Department, CLC
Mark Dubbin, Las Cruces Fire Department
Bonnie Ennis, Community Development, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Crane: Good evening. Welcome to the April 23rd meeting of the Planning and Zoning Commission. Let me start, as we usually do, by introducing our Commissioners. To my far right is Commissioner Stowe who represents District 1; then Commissioner Scholz who is the Mayor's representative; and our new Commissioner, Joanne Ferrary, who has an extensive background in public affairs in New Mexico and is most welcome to us and she is representing District 5. Commissioner Beard is with District 2 and I'm the Chair, Godfrey Crane, and I represent District 4.

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.

Crane: As usual we start with asking the Commissioners if they have any conflict of interest concerning tonight's agenda, all indicating "no;" and the City representatives, any conflict of interest? Indicating "no." Thank you.

III. APPROVAL OF MINUTES

1. March 26, 2013 – Regular Meeting

Crane: The next item of business is to approve the minutes of the last meeting, March 26th, and for any Commissioners who may be expecting also the February 26th minutes to be reviewed we are going to do that next time, our recording secretary tells me, so we can put that aside. Anybody have any adjustments for the March 26th minutes? Commissioner Stowe.

Stowe: Yes, Mr. Chair, I have page 35, line 24, towards the end of the line it should read, "...what I would '*say*' instead of 'make'..."

Crane: Okay, "say" instead of "make." Thank you.

Stowe: Same page, page 35, line 33, the fourth word in it should be two words: "with older" and a space between the two.

Crane: "With older" children, yes.

Stowe: Just those two.

Crane: Anything else, Commissioner Stowe?

Stowe: No.

Crane: Anyone else? Commissioner Beard.

Beard: Page 4, line 20, "I just wanted to clarify that was known."

Crane: So "was" instead of the second "that."

Beard: Yes.

Crane: Okay.

Beard: Page 12, line 5, I believe there should be a comma between "need to", "so it works out."

Crane: "need to" 'comma' "so it works out." Okay.

Beard: Correct. Same page, line 37, "...and that's for now and for 2 years from now." There should be an "and" between "now" and "for." Line 37. Page 14, line 13, I'm talking about "existing spaces," plural; and on line 43 I don't understand the quotation mark there. I believe the quotation mark should start at the beginning of that question instead of being in the middle

DRAFT

of it. So the quotation would be: "...'quotation mark' is there a requirement? It says up to 12 for a group home 6 to 12" and the quotation is right there in the middle. Page 43...

Crane: Are you sure that's 43?

Beard: No, I'm not *(laughing)*

Scholz: I only have 38.

Beard: Let me thumb through this. Okay, I've got another one on page 15. I might hit it... oh, here it is, 35. No, no, no, no... that's the one that we just made a correction on. Page 15, line 6, "... there would be only be 12..." I think one of those "be-s" should be taken out, the first one.

Crane: Oh, yeah.

Beard: I don't know where the other one went.

Crane: Any other Commissioners? Commissioner Shipley, as noticed has just arrived, and you have some points on the minutes?

Shipley: Yes, sir, on the March minutes?

Crane: Yes.

Shipley: Are we doing the February minutes also?

Crane: No, we're deferring that until next time.

Shipley: Okay. On the March minutes page 30, line 34, it says delete one of the "that-s." I think it's the first one.

Crane: Line ... what was that?

Shipley: Page 30, line 34. It says, "...what's best for people that that are going to be good," so take out one of the "that-s" and on page 33, line number 46, it says, "they don't have to 'give' a Special Use Permit." I think that's supposed to be "get" as opposed to "give," and that was all.

Crane: That it?

Shipley: Yeah.

Crane: Commissioner Beard, your light's on. Okay, I have a few: page 2, line 38, we need to insert, I think, the word "if." Right now it's, "Gentlemen, is that

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nobody on the Commission..." "...is that 'if' nobody on the Commission..." and the next line, line 39, the very end of the line, we need a comma after "matter." "...If the public has any interest in discussing this matter 'comma' we just vote on it without discussion."

Shipley: We need a small "w" there, I guess.

Crane: Pardon me? Yeah, a lower case "w" on the "we;" page 4, line 39 and this occurs in another place so I'll bring it up in a minute, "r-o-l-e" should be "r-o-l-l." Yes, that's also on page 36, line 42; and finally, page 15, line 36 the number "12" is repeated. You could cut out one of them. It says, "12 more 12 Tuesday afternoon..." I'll entertain a motion that the minutes as amended be accepted.

Scholz: So moved.

Shipley: Second.

Crane: Mr. Scholz moves and Mr. Shipley seconds. All in favor "aye."

All except Scholz and Ferrary: Aye.

Crane: Any against? Ms. Ferrary is abstaining.

Scholz: I'm also abstaining. I wasn't at the meeting.

Crane: Okay, Mr. Scholz is abstaining.

Scholz: Thank you.

IV. POSTPONEMENTS – NONE

Crane: So we move onto the Postponements, which is still "none."

V. CONSENT AGENDA

Crane: Next we have the Consent Agenda and, for the benefit of those who haven't been here before perhaps, the way this works is that unless some member of the Commission or City employee or somebody with the public wishes to have any aspects of any one of these three items discussed we will just vote on them without discussion as a group, let's say just as a group of cases.

1. **Case ZCA-13-01:** A request to amend various sections of the 2001 Las Cruces Zoning Code, as amended. The amendments primarily seek to change various provisions related to the public notification process for the various cases processed by the City pursuant to the code. Notification deadlines are proposed to be

normalized and methods of notification and procedures for same involving neighborhoods and neighborhood groups/associations are being defined and/or modified. Submitted by the City of Las Cruces.

2. **Case SA-13-01:** A request to amend various sections of the 2006 Las Cruces Subdivision Code, as amended. The amendments specifically seek to change various provisions related to the public notification process for the various subdivision cases processed by the City pursuant to the code. Notification deadlines are proposed to be normalized and methods of notification and procedures for same involving neighborhood and neighborhood groups/associations are being defined and/or modified. Submitted by the City of Las Cruces.

3. **Case S-13-003:** Application of Sonoma Ranch North LLC for a Preliminary Plat known as Sonoma Ranch North Tract 2C Lots 1 and 2. The 6.158-acre portion of the 107-acre Tract C would be divided into two lots: A 3.366-acre Lot 1 and a 2.792-acre Lot 2. The property is located on the south side of Northrise Drive east of Sonoma Ranch Boulevard, Parcel No. 02-36081 and 02-36083, and lies within an R-3 (Median-density Multi-Family) zoning district and would be developed into apartments. Council District 6 (Councillor Thomas).

Crane: Any member of the Commission wish to address any of these? Mr. Shipley.

Shipley: Yes, case 3; S-13-003.

Crane: You would like to address that? Okay, we'll move that to New Business, first item. Any member of the City Planning discussion? Any member of the public? No, okay… Ms. Harrison-Rogers, do I have to have a motion to get that moved to the New Business? No. Okay. We'll take up case S-13-003 on New Business and we'll vote on ZCA-13-01 and SA-13-01 as part of the Consent Agenda. May I have a motion to approve the Consent Agenda?

Scholz: So moved.

Crane: Commissioner Scholz moves.

Shipley: Second.

Crane: Seconded by Commissioner Shipley. All in favor, aye?

All: Aye

Crane: Any opposed? It passes 6-0.

VI. OLD BUSINESS

1. **Case No. Z2859.** Application of The Burris Brothers, LLC to rezone property

from M-1/M-2 (Industrial Standard) to M-1/M-2/C-2 (Industrial Standard/Medium-Intensity Commercial) to allow the sale of vehicles in addition to the repair of vehicles on the 0.689 acre parcel located at 1810 and 1820 Amador Avenue, Parcel No. 02-17413. Council District 4 (Small)

Crane: Now, onto Old Business, case Z2859, the application of the Burris Brothers to rezone property on Amador. Let me say, for the benefit of the public again, how this works, this part of the proceedings is that first a member of the City Community Development Department... So in the Old Business and in the New Business, first a member of the Community Development Department gives us a presentation. This evening it will be Ms. Montana and Commissioners may have some questions of her and then the applicant may wish to make an address and, again, Commissioners may have some questions, and then we open it up to the public and the Commissioners may want to clarify something that the public says. When everybody's finished having their say we close the business to the public and we, the Commissioners, debate among ourselves and finally take a vote on the matter. Ms. Montana, you're up.

Montana: Mr. Chair, Members of the Commission. What you have before you is a request to rezone a property from Industrial, M1/M2 to a limited C2, Commercial, designation to allow the sale of vehicles that are repaired on the premises and then auto parts that are part of the repair operations, to sell that on the premises.

Currently the operators are sharing this property, 1810 to 1820 West Amador. You can see in your packet and in this slide this property is zoned M1/M2, as are all these adjacent properties with the exception of the corner lot at 17th and West Amador, which is a feed lot. It's zoned C-3.

This is the property and it's one structure but it's separated by a firewall approximately here and it's shared by two auto body repair businesses. There's a chain link fence that goes down the property to just sort of split up the parking area and there are two curb cuts, one here and one here, so there's access to each side of the property.

Again, this is the auto body shop. It's separated about here with the firewall and the chain link fence. Both of these tenants are auto body repairs and they wish to be able to sell some of the repaired vehicles that are not part of, say, insurance repairs and that sort of thing. They want to be able to repair particularly the classic cars, classic vehicles and most of the time they sell the vehicles through the internet but occasionally they would like to put a "for sale" sign on the vehicle, park it in front, and have members of the public see their work, see the quality of their work and also be able to purchase a repaired vehicle.

Again, this is the site. It's separated; two lots each with a curb cut. The applicant is the property owner. He leases the two shops to the two auto body tenants and the M1/M2 zoning does not allow retail use or sale of the vehicles on the premises. We want to add just a limited C2 use so it

would be C-2 with a little "c" designation and the little "c" designation would direct people to the Ordinance and the Ordinance would identify the limitation and in this case, it's just the sale of vehicles repaired on the property or auto parts as part of that repair.

The project meets the City's Zoning and Design Standards for the body shop. One of the standards, if there was a substantial improvement to the property by the owner would be to landscape the median that is in front of the property but just the land use change and the sale of the vehicles does not trigger that. But otherwise, and in all cases, the property meets the zoning standards. Again, we're suggesting to you and to Council that we limit the use just to the sale of vehicles repaired on the premises.

Retention of the two curb cuts would not impede traffic flow. We've spoken with both the MPO and Traffic Engineer and that would not be a problem. Because of the way the median is there would not be left turns from the property onto Amador.

With the conditions recommended by staff the limited rezoning would meet all the Comprehensive Plan policies. It would support these two small businesses in an Industrial District and would meet the Zoning Code Purposes and Intents and also your Planning Commission Decision Criteria.

These are the findings: the City staff reviewed the project and, if you noticed in the Attachment 6, the City Agency Review, they do recommend three conditions and those are the conditions that we have noted here in the staff report.

And with that staff is recommending approval and the Commission has these options and I won't repeat them. You are familiar with these options. With that I stand to answer any questions you may have. The applicant, the property owner is here, Mr. Fristoe, is here if you have any questions of him.

Crane: Commissioners? Commissioner Shipley.

Shipley: Ms. Montana, thank you for your presentation. I just have a question: this building is split into two separate buildings, has a fence between the two buildings?

Montana: The building is separated by a firewall for the two tenants and there's a chain link fence that sort of matches the separation in the building, but it's one structure.

Shipley: Are the two tenants applying for business licenses for two separate operations or will this be one operation?

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Montana: It's two operations; they have business licenses. They're applying for an auto dealer license and they cannot be issued that until this rezoning is approved.

Shipley: Okay, but I'm saying it is two separate tenants.

Montana: Two separate tenants, yes, sir.

Shipley: And both are filing in this application or is just one filing?

Montana: The owner is filing on their behalf, the owner of the property, Mr. Fristoe.

Shipley: Because it says "Burris" is why I was confused.

Montana: Burris is the corporation that owns the property and it is managed by the Fristoe brothers.

Shipley: Okay.

Montana: He's here to clarify any mistakes I may have in that relationship.

Shipley: Well, we'll wait until we hear his presentation and then I'll discuss that. Thank you.

Crane: Commissioner Scholz, do you have a question?

Scholz: No. Actually she answered my question already. Thanks.

Crane: I have a question. Did you say that they're applying for an auto dealership license?

Montana: According to the State of New Mexico if within a year period you sell three or more vehicles you are an auto dealer.

Crane: Okay, and he has to get the zoning changed before he can do that.

Montana: That is correct.

Crane: Thank you. Commissioners, any questions for Ms. Montana? Okay, would the applicant like to speak? Sir, would you please identify yourself for the record?

Fristoe: Yes. My name's Norm Fristoe. Just to clarify the relationship between the parties is: I am a partner in the LLC that is the Burris Brothers that owns the real estate and there are two tenants of which I am a partner in an LLC

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on one of those, which actually would be selling the cars and then Mr. Archuleta owns solely the body shop.

Crane: Okay.

Fristoe: So under the State requirements for a dealership license we have to separate that one entity, which also isn't necessarily something the State would like to see is connected to some ancillary business like a body shop, so we've separated the car dealership into one entity.

Crane: Okay.

Fristoe: So the Burris Brothers own the real estate and then we have the first entity that would sell the cars that were fixed up, which are mostly classic 4 x 4s, Toyotas and different cars like that, Land Cruisers, as sold by NM Classic Autos. Okay? And then there's Classic 4 x 4, LLC who does the body work. Okay? So that's what we have there.

Crane: Does anyone have any questions for this gentleman? Mr. Shipley.

Shipley: So as I understand then, one half of the lot will be just strictly for car sales and one half of the building will be used like a showroom or what?

Fristoe: The existing building was already segregated and so basically the office is on one side with a small bay and it will house actually the offices for both entities. Okay? But basically it's for the NM Classic Auto Works. Okay? The work is done on the other side, which is on the west side of the building where most of the body work is done. But most of the sales will... we're going to do some remodeling and make it look quite a bit better but most of the... maybe a limited number of cars would certainly be out into the yard area.

Ferrary: Does that mean that the fence would come down and you would have the entire lot then?

Fristoe: At some point in time we would like to put up a much nicer looking fence and take down the middle fence. Yes.

Ferrary: So you would still have a fence dividing the two?

Fristoe: No.

Ferrary: No. Okay. So where would the fence that you're talking about be?

Fristoe: Just on the perimeter of the property. We'd like to put a nice wall, capped off and some nice metal work on it.

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Ferrary: Okay. So you'll have people coming in to buy parts through the car lot?

Fristoe: Some parts, you know, but that's going to be a very small portion, really. It's mostly a body shop and some of that work is done with these classic cars that we would like to sell. Okay?

Ferrary: And would you be able to have a traffic flow that would make it so people, as they're in looking at cars, wouldn't be going through where people coming for parts would have to drive through?

Fristoe: Well, we haven't necessarily considered that, I mean, really, the parts side of it, the retail would be extremely small compared ... I mean that would be 1 percent of the business compared to the body shop and the sale of what we're refurbishing and in fixing up the classic cars.

Ferrary: But you would still accommodate how people would come in and out?

Fristoe: Yes, ma'am. Yeah, we could do that quite easily.

Crane: Mr. Shipley, do you still have a question? No. Any other Commissioner? Thank you, sir.

Fristoe: Okay, thank you.

Crane: Any member of the public like to address this? No. It is closed to public discussion. Ms. Montana, do you have something?

Montana: No, Mr. Chair. I was just going to put up the options again.

Crane: Okay. So, Commissioners, we are debating this particular issue whether to approve this change in zoning...

Scholz: I move to approve case Z2859 with the conditions.

Crane: Commissioner Scholz moves and... you are wondering whether he needs to read the conditions?

Scholz: You want me to read the conditions? Certainly. The C-2 zoning designation commercial use shall be limited to: 1) the same of vehicles repaired on the premises; and 2) wholesale or retail sale of vehicle parts, both of these uses are deemed an accessory use to the principal uses of the vehicle repair and body shop.

Condition 2: if modifications to the site occur the applicant shall meet NPDES pollution control requirements and reduce runoff from the site.

Condition 3: the applicant shall be responsible for meeting International Fire Code requirements for any upgrades to the existing building.

Crane: Thank you, Commissioner. Is there a second to this?

Shipley: Second.

Crane: Seconded by Mr. Shipley. Any further discussion? Then let's take the roll. Commissioner Beard.

Beard: Aye, findings, site visit and conditions.

Crane: Did you say "conditions?"

Beard: Aye, discussions...

Crane: Findings.

Beard: Findings and site visit.

Crane: There. That's what I expected. Commissioner Ferrary.

Ferrary: I vote aye according to findings, discussion and conditions.

Crane: Thank you. Commissioner Scholz.

Scholz: Aye for findings, discussion and site visit.

Crane: Commissioner Stowe.

Stowe: Aye, findings, discussion and site visit.

Crane: Commissioner Shipley.

Shipley: Aye, findings, discussion and site visit.

Crane: And the Chair votes aye for findings, discussion and site visit. The motion passes 6-0. Thank you.

VII. NEW BUSINESS

1. **Case S-13-003:** Application of Sonoma Ranch North LLC for a Preliminary Plat known as Sonoma Ranch North Tract 2C Lots 1 and 2. The 6.158-acre portion of the 107-acre Tract C would be divided into two lots: A 3.366-acre Lot 1 and a 2.792-acre Lot 2. The property is located on the south side of Northrise Drive east of Sonoma Ranch Boulevard, Parcel No. 02-36081 and 02-36083, and lies within an R-

3 (Median-density Multi-Family) zoning district and would be developed into apartments. Council District 6 (Councillor Thomas).

Crane: We'll continue to our item moved from the Consent Agenda. This will be case S-13-003 and it was moved because Commissioner Shipley wanted to address it. Tell us what you'd like, Mr. Shipley, and we can see where we'll go from here.

Shipley: As I reviewed this particular item there was some discussion by the Design Review Committee, I believe, about the access and how this was going to be handled. Also, there was nothing in here that talked about the number of units, possible traffic flow, content, etc. There was nothing that showed any kind of layout of what's to be built there. It just said multi-family.

Ferrary: That's correct.

Shipley: And I was just very concerned that that's a very busy street and, including the development that's going to be conducted in the future, is not allocated for... I'm talking about traffic passing by; so I felt that we needed a little more information about this case... or the entrance on Lot 2 because actually it said that they want to put another curb cut on Lot 1 out to Northrise and looking at the layout and the school and all of that and knowing what kind of traffic pattern there is existing today, I am just trying to get a handle on what's going to happen in the future as increased development happens farther to the east. So I thought it would be more appropriate, maybe, that we condition this that there only be the one access point and that anything that's developed to the lots going to the east of this be required to use that and that would help them, maybe, to design in their phases, design the whole thing and put it together so that at least we had an idea of what we're looking at before we approve it.

Montana: Thank you, Mr. Chair, Commissioner Shipley. Susana Montana, Community Development Department staff. The way this particular subdivision is now designed there is one access and access to Lot 1 would be through the easement from Lot 2. That's the way it is now. That's the way Traffic Engineering has approved it. Yes, the applicant would like to submit a Traffic Impact Analysis sometime in the near future to our Traffic Engineer to determine whether or not a direct access from Northrise for Lot 1 would be possible. The Traffic Engineer would have to review that and approve it. Mr. Willie Roman is not confident that, as you suggested, that would work, the new access from Lot 1; however, the applicant has the opportunity to submit a TIA to request that. But the way it is now this subdivision, as it's going forward, access to Lot 1 is only from here through Lot 2 and this easement. That's what's before you today.

Crane: Mr. Shipley, does that answer your question?

Montana: I think what I heard from you, Mr. Shipley, is you would like this conditioned such that there would be no access, direct access, to Lot 1 from Northrise.

Shipley: I think that is correct just because of the proximity to the school that just adds another element of, you know, people pulling in and out and cars parked alongside and dropping off kids and the things that seem to be occurring there as I looked at it the last few days.

Crane: How would you like to proceed, Mr. Shipley? Do you want to move that this be approved with some condition?

Shipley: I think initially maybe we need to go through this whole presentation and then let the applicant tell us what his feelings are and whether or not they concur with that or, you know, there may be some reason that they think it's not important or whatever and we're basically trying to approve something that we haven't really gotten all of the information that we should be getting.

Crane: Understood. Ms. Montana, are you prepared to go ahead with a presentation on this and is the applicant here?

Montana: Yes, Mr. Chair. I'm prepared and the applicant is here.

Crane: Okay, is the applicant prepared to go ahead?

Montana: Yes, he has a separate slide that he would like to show you as well.

Crane: Okay. So, Ms. Montana, you've got it?

Montana: Yes, thank you.

Crane: Excuse me. Mr. Stowe, your light's on and it's confusing me.

Montana: What you have before you is a request for a preliminary plat to separate the 6-and-some-change acre parcel from the larger tract to this subdivision, which would be Subdivision Tract 2C. It's zoned R-3; R-3 would allow multi-family or apartments at 20 units per acre.

This is the project site. It's undeveloped. Tract 2C would consist of the two lots, one of which would be 3.366 acres. That's Lot 1 and Lot 2 would be 2.792 acres. Both lie, again, within the R-3 Medium-Density Zoning District. Access at this point for Lot 2 would be directly from Northrise Drive and access to Lot 1 would via an access easement through Lot 2. Again, Northrise here, White Sage here and then here's a parallel existing curb cut to what would be Lot 2.

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Northrise is a Principal Arterial and MPO Policies and Comprehensive Plan Policies seek to limit that access from Arterial roadways. The Sonoma Ranch North Master Plan would require a drainage report for each development. If development were to occur on each lot they would have to provide a drainage report. The City's Utility Engineer will require, if necessary, utility easements for each of the lots.

The preliminary plat conforms to the Sonoma Ranch North Master Plan. Access to the two lots would be from Northrise limited. With the three recommended conditions of approval, the plat would be consistent with relevant policies of the City's Comprehensive Plan, the Purposes of the Subdivision Code Preliminary Plat Process and your Planning and Zoning Commission's Decision Criteria.

Staff recommends these conditions which are drawn from the Master Plan: 1) that a drainage report be required; 2) that Lot 1 may have operational, in additional to location restrictions, the TIA, Traffic Impact Analysis, would be required and must be approved by the City's Traffic Engineer for any request to direct access to Lot 1 from Northrise Drive, and; 3) the owners of Lot 1 and 2 shall grant the utility easements. So those are the recommended conditions of approval. I stand to answer any questions you may have and the applicant is here as well.

Crane: Commissioners, any questions? It seems you're in the clear. Would the applicant like to address the Commission? Please identify yourselves, gentlemen.

Soleman: Brian Soleman with Sonoma Ranch. I'd like to... we have looked at the access to the two lots and part of the conditioning, if that's the case that we go, is we would like to look at, upon the final layout of Lot 1 and 2 rather than just the condition of having one access there. But once we get to the analysis of looking at the overall layout of the property and the project in a whole, possibly relocating the single access to dual access to both lots as long as they fit within the design requirements and offsets and so forth. That's something that we'd like to look at, too.

Crane: Thank you. Any questions for this gentleman? No?

Rawson: George Rawson. I'm one of the developers of Sonoma Ranch. One of the things that would be to your question, Mr. Shipley, is how many units are there; it's 102. That's the way it's planned now. That can go up or down a little bit but that's all you can probably get on the site. The most difficult thing to remember is that the site will be in two phases so when the client wants to start, naturally, in Phase 1; so you know when you go to the bank and you say, "Okay, Mr. Banker, I'm going to do this small project here," the trials and tribulations when you go to erecting a $2M, $3M project on an easement access is a bit difficult in today's economic standards with the banks. So what Brian's alluding to is that there's a way for us to move

the easement closer to the property lines. We understand the issues on only having one entrance but getting it closer to the property line will make it more palatable for those in the banking business. So that's pretty much what our real issues are.

You know, I thought I'd tell you something tonight that probably nobody realizes but a Traffic Impact Study Analysis, a TIA costs between $4K and $6K and, for example, we've already done one on the apartment land down below. We've already done some on the corners and on some of the other pieces of property so each time we do these it's kind of like an appraisal: it's pretty much site-specific. So I just don't know if you knew that it's becoming quite an interesting process. Are there any questions I can answer for you?

Crane: Commissioner Shipley.

Shipley: Thank you for the information. I guess that when I looked at this overlay here on the left hand side and I think about everything that's going to be build and, of course, there's going to be a lot more traffic up and down Northrise there as you build out farther to the east and that's one of the reasons that they stated that. But the real concern I had was the proximity to the elementary school.

Rawson: Mr. Shipley, that's a really great question because what I'd like to share with you is that we built the road. We gave the road to the school. The school came to us and said that they would really like access off that little side street. To be good neighbors to the school we gave them that access and then they promised that they'd deliver a site plan and a specific elevation. They were 8 feet above the elevation that they told us they were going to have and we spent a lot of money trying to be good neighbors with the school. So now here we are again, it's like the school is driving the bus, to paraphrase it; and we really want no traffic in that area as much as you do. There's very minimal amount compared to if it was a single-family subdivision and the amount of traffic that cars could come to that street, coming north and south. So because this is a strip of R-3 in the front, and it is higher density, it really is less cars per day than a regular subdivision might be.

Shipley: I guess I'm not so much concerned about the school as the kids that go to school there…

Rawson: Um-hmm.

Shipley: … because it is an elementary school and, you know, the people drop off. That's what I'm really concerned about is the traffic and so I understand what you're working with and that but I guess we've got a little piece of the pie we're looking at and I'm trying to, I guess, interpolate a little bit about

what the future holds farther down the road so that we don't end up with numerous curb cuts where kids have to... You have to have crosswalks and those kinds of things and, you know, every time you cut a curb and kids are going down that sidewalk you've got to worry about somebody stepping out and getting hit by a car. So that's the reason to minimize that is, in my opinion, and use the interior flow of the design. So that's why I asked the question.

Rawson: Okay. Well, we are perfectly comfortable with the idea of trying to keep to one curb cut. We'd like to have the flexibility from the Commission to move that curb cut if it's accessible, if it is acceptable in the Traffic Impact Analysis, which is not a piece of cake.

Shipley: But it looks right now it marries up with another access point.

Rawson: Yes, it does.

Shipley: So, in other words you've got one concentrated area where people have got to really pay close attention and then the farther away you go east there's less chance of somebody getting hurt. That's why I think that's maybe important to design it where it is.

Rawson: The easement across the street is a 50-foot wide street. So what we would try to do is move it all the way to the left side or the right side of the easement because the chances are we're not going to have a 50-foot curb cut.

Crane: Commissioner Ferrary.

Ferrary: Mr. Rawson, when you were saying earlier you wanted the easement closer to the property line, do you mean in the middle of both lots?

Rawson: I don't think we can get it that far. We might get one edge of it to that property and then it's going to go 50-feet to the left side.

Ferrary: So then it wouldn't be across from White Sage. It would be closer to just the corner of the school.

Rawson: Right, and the only way that's gonna work is if our Traffic Impact Analysis shows that we can successfully get in and out of the property without causing a problem with the school...

Ferrary: Um-hmm.

Rawson: ... and Willie Ramon and... We've already had this discussion so it won't be easy to get that done.

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Ferrary: Okay. Thanks.

Crane: Commissioner Scholz.

Scholz: Well, I think that sounds to me like a solution because if it's placed directly opposite White Sage people tend to think of it as an addition to the street, you know, and there'll be more cross traffic there. So I think moving it would be a sensible thing and I hope we can, you know, resolve that. I was thinking that you would be able to all the way across the property line and, you know, equal side. But if you can't do that then get it as close as possible.

Rawson: There is an acceptable static data that allows us to move it off of being perfectly lined up so that is what we would try to do.

Scholz: Yeah. I think it's a good thing. Thank you.

Crane: Anyone else? Thank you, sir.

Soleman: Thank you.

Rawson: Thank you.

Crane: Does any member of the public wish to speak? No. In that case we close it to discussion from the floor. Commissioners? Commissioner Scholz.

Scholz: I'd like to move the approval of case S-13-003 with the conditions and I'm glad to read them if you'll page back to them.

Crane: I think that might be a good idea.

Scholz: Condition 1: at the time of development of each lot the developer shall submit site specific drainage studies for the development and include the analysis of all contributing drainage basins. This drainage study shall be approved by the City prior to the issuance of a construction permit for the lot.

Condition 2: Lot 1 may have operation in addition to location restrictions. A Traffic Impact Analysis will be required by and must be approved by the City's Traffic Engineer for any request to access Lot 1 from Northrise Drive.

Condition 3: The owners of Lost 1 and 2 shall grant utility easements on the lots if needed for the development of those lots.

Crane: Thank you. Is there a second for the motion?

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Stowe: Second.

Crane: Seconded by Commissioner Stowe. Let's take the roll starting with Mr. Shipley this time. Commissioner Shipley.

Shipley: Aye, findings, discussion and site visit.

Crane: Commissioner Stowe.

Stowe: Aye, findings, discussion and site visit.

Crane: Commissioner Scholz.

Scholz: Aye, findings, discussion and site visit.

Crane: Commissioner Ferrary.

Ferrary: Aye due to findings, discussion and conditions.

Crane: And Commissioner Beard.

Beard: Aye, findings, discussions and site visit.

Crane: And the Chair votes aye based on findings and discussion. The motion passes 6-0. Thank you.

VIII. OTHER BUSINESS - NONE

Crane: Ms. Montana, any further business?

Montana: No, Mr. Chair.

IX. PUBLIC PARTICIPATION

Crane: No further public participation since we have no further public.

X. STAFF ANNOUNCEMENTS

Crane: Any staff announcements?

Montana: I'll defer to staff.

Harrison-Rogers: None this evening, sir.

Beard: I have a question for staff.

Crane: Okay. Commissioner Beard has a question for staff.

DRAFT

Beard: I noticed the back door is locked down. Is that going to stay that way, I mean, do we have to everybody go to the front?

Harrison-Rogers: We can find out from our building maintenance why that was locked. I'm not certain as to that since we don't dictate when those doors get locked and how but I will look into that for you.

Crane: Thank you. Anything else? Mr. Shipley.

Shipley: I was just going to say that they should know that there's a meeting at this time every month...

XI. ADJOURNMENT

Crane: All right, there being no further business we are adjourned at 6:46. Thank you.

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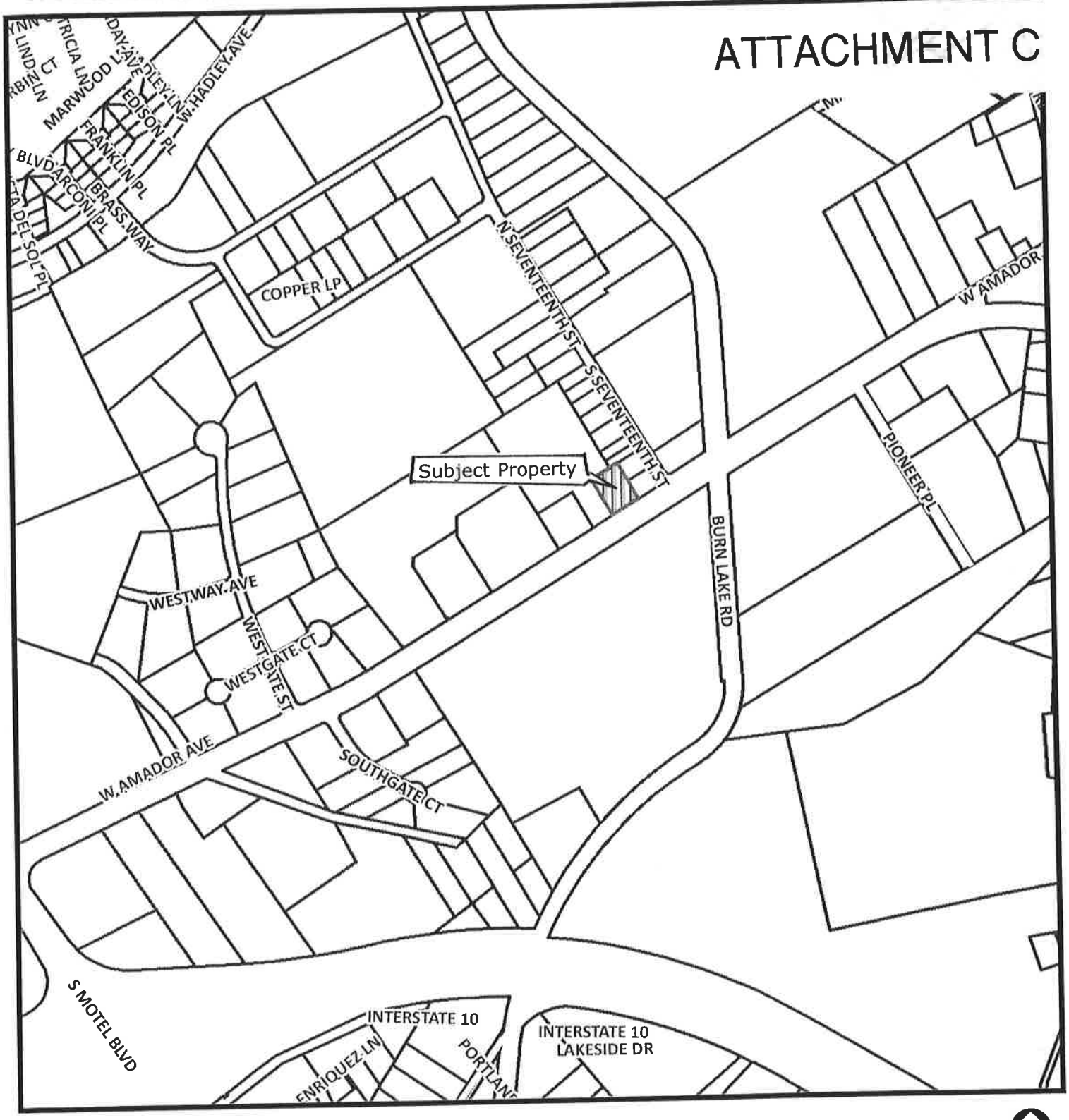
Chairperson

DRAFT

ZONING: M1/M2, Industrial, Standard
OWNER: Burris Brothers

Location Vicinity Map

PARCEL: 04-25-2013
DATE: 02/01/13



Z2859, Rezoning from M1/M2 to M1/M2/C-2c

150 75 0 150 300 450 600 750 900 1,050 Feet

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

Legend

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