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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 Ordinance/Resolution# 2693

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

For Meeting of September 3, 2013
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 1.42 ± ACRES OF LAND LOCATED AT 150 E. MADRID AVENUE. SUBMITTED BY EMILIO C. PEREZ & HENRY L. BERNAL, PROPERTY OWNERS (Z2863).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 1		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located on the north side of Madrid Avenue, 365 ± feet east of its intersection with Main Street, directly across the street north of the Curry Mobile Home Park. The subject property current consists of a vacant commercial building that is currently being remodeled by the owners for the proposed use of a barber shop and additional commercial lease space. The property currently exceeds the one (1) acre maximum lot size permitted in the C-2 zoning district. The proposed zone change to C-3 would facilitate compliance with the 2001 Zoning Code, as amended, with the lot size requirement. The subject property is located along an existing Collector roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO), and is in close proximity to two Arterial roadways where high intensity commercial zoning such as the proposed C-3 zoning designation are encouraged. The subject property is also located in a commercial area.

On July 23, 2013, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 4-0-0, (two Commissioners absent, one Commissioner position vacant). No input from the public occurred at the meeting for the proposed zone change.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2863.
5. Attachment "B", Draft minutes from the July 23, 2013 Planning and Zoning Commission meeting.
6. Attachment "C", Vicinity Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 1.42 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the subject property and the property will remain non-conforming. Denial of

the zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.

3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

COUNCIL BILL NO. 14-008
ORDINANCE NO. 2693

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 1.42 ± ACRES OF LAND LOCATED AT 150 E. MADRID AVENUE. SUBMITTED BY EMILIO C. PEREZ & HENRY L. BERNAL, PROPERTY OWNERS (Z2863).

The City Council is informed that:

WHEREAS, Emilio C. Perez and Henry L. Bernal, the property owners, have submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for the property located at 150 E. Madrid Avenue; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 23, 2013, recommended that said zone change request be approved by a vote of 4-0-0 (two Commissioners absent, one Commissioner position vacant).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity) for property located at 150 E. Madrid Avenue.

(II)

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

(III)

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

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2013.

APPROVED:

Mayor

ATTEST:

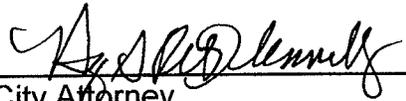
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

PLAT OF SURVEY

OF A 1.148 ACRE TRACT
 AND A 0.271 ACRE TRACT
 LOCATED IN SECTION 7, T.23S., R.2E.
 N.M.P.M. OF THE U.S.R.S. SURVEYS
 BEING PART OF U.S.R.S. TRACT 9-27B
 CITY OF LAS CRUCES
 DONA ANA COUNTY
 NEW MEXICO

INSTRUMENT OF RECORD,
 WARRANTY DEED FILED JULY 26, 2009,
 IN BOOK 444, Pages 1081-1085,
 OF THE DONA ANA COUNTY RECORDS.

LINE	BEARING	LENGTH
L1	S73°53'30"W	47.36'
L2	N74°23'12"E	47.39'

Survey by: **BRADY**
 and by: **E. RODRIGUEZ**
 Job No.: 08-07-0222
 Date: JULY 13, 2009



THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS OF LAND. IT IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO STATUTES, N.M.S.

Locales referenced in country club:
 PROPERTY OWNER: VASCOV
 UIC NUMBER: 02-007-134-080-030
 PROPERTY LOCATION: SECTION 7, T.23S., R.2E. CITY OF LAS CRUCES DONA ANA COUNTY NEW MEXICO

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES AND MEASUREMENTS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DIRECTOR OF THE BOARD OF LAND SURVEYORS OF THE STATE OF 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.

JULY 13, 2009
 DATE OF SURVEY

TED G. SCANLON - No. 9453
 3780 FOOTHILLS, LAS CRUCES, NM 88011

PROPERTY IS IN AN "X" AND "A" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 36013C0610 X, EFFECTIVE SEPTEMBER 6, 1995.

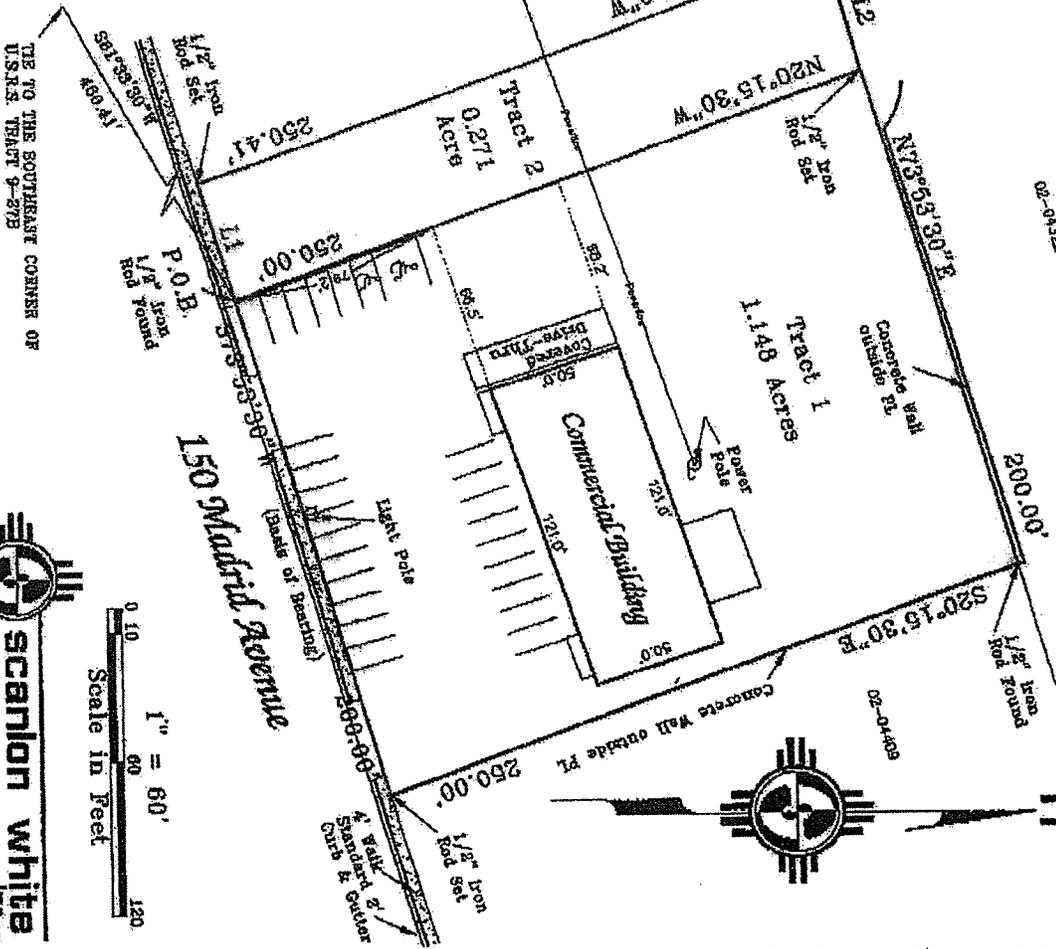
TO THE SOUTHWEST CORNER OF U.S.R.S. TRACT 9-27B



3780 Foothills, Suite C
 Las Cruces, New Mexico 88011
 Phone: (575) 625-2112
 Fax: (575) 625-1226

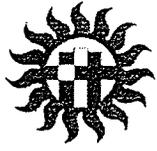
scanlon white inc.

Scale in Feet
 0 10 60 120
 1" = 60'



Findings

1. The subject parcel currently encompasses a total of 1.42 ± acres, is zoned C-2 (Commercial Medium Intensity) and consist of a vacant commercial building.
2. The subject property is located on Madrid Avenue, an existing Collector roadway as classified by the Metropolitan Planning Organization (MPO), and is in close proximity to two other Arterial roadways where high intensity commercial uses and zoning such as the proposed C-3 zoning designation are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3b)
3. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code with the maximum lot size requirement of the Code. (2001 Zoning Code, Article 4, Section 38-32D)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of 1999 Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: July 23, 2013

Drafted by: Adam Ochoa, Planner *AO*

CASE # Z2863 **PROJECT NAME:** 150 E. Madrid Ave.
(Zone Change)

**APPLICANT/
REPRESENTATIVE:** Emilio C. Perez &
Henry L. Bernal **PROPERTY
OWNERS:** Emilio C. Perez &
Henry L. Bernal

LOCATION: Located on the **COUNCIL** District 1
north side of Madrid **DISTRICT:** (Councillor Silva)
Avenue, 365 ± feet
east of its
intersection with
Main Street

SIZE: 1.42 ± acres **EXISTING ZONING/
OVERLAY:** C-2 (Commercial
Medium Density)

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

EXISTING USE: Vacant Commercial Building

PROPOSED USE: Barber Shop

**STAFF
RECOMMENDATION:** Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
June 17, 2013	Application submitted to Development Services
June 18, 2013	Case sent out for review to all reviewing departments
June 25, 2013	Final comments returned by all reviewing departments
June 27, 2013	Staff reviews and recommends approval of the zone change
July 7, 2013	Newspaper advertisement
July 12, 2013	Public notice letter mailed to neighboring property owners
July 12, 2013	Sign posted on property
July 23, 2013	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL 346

The applicant is seeking to utilize the existing vacant commercial building on the subject property located at 150 E. Madrid Avenue for a new barber shop. The commercial building has been vacant for more than one (1) year and is now required to come into compliance with the 2001 Zoning Code, as amended. The property currently exceeds the maximum one acre lot size requirement of the existing C-2 zoning designation. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code with the maximum lot size requirement. The zone change is required before the property can be utilized for any commercial use again.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	Minimum 10 DU/ac., 40 DU/ac maximum
Lot Area	1.42 ± acres	1.42 ± acres	0.50 acres min./ no max.
Lot Width	200 ± feet	Unchanged	60 feet minimum
Lot Depth	250 ± feet	Unchanged	70 feet minimum
Structure Height	13 ± feet	Unchanged	60 feet maximum
Setbacks			
Front	80 ± feet	Unchanged	15 feet minimum
Side	88 ± feet	Unchanged	5 or 0 feet minimum
Side	15 ± feet	Unchanged	5 or 0 feet minimum
Rear	115 ± feet	Unchanged	15 or 0 feet minimum
Accessory Structure	N/A	N/A	N/A
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	Unknown	Unknown, required to follow the minimum standards during the permitting process of the addition	15 %

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	
Medians/ Parkways Landscaping	No	
Other	N/A	

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant Commercial Building	N/A	C-2 (Commercial Medium Intensity)
North	Shopping/Business Center	N/A	C-3C (Commercial High Intensity-Conditional)
South	Shopping/Business Center/Mobile Home Park	N/A	C-2 (Commercial Medium Intensity)/ C-3 (Commercial High

			Intensity)
East	Gas Station	N/A	C-2 (Commercial Medium Intensity)
West	Shopping/Business Center	N/A	C-3 (Commercial High Intensity)

TABLE 5: PARCEL HISTORY

Number	Status
Permit 41713	A building permit for commercial upgrades to the existing building and property. The permit has been approved with multiple conditions including the requirement of a zone change for the subject property.
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see attached.

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Traffic	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONSDecision Criteria

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

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

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

- A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- B. Encourage innovations in land development and redevelopment;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- K. Encourage development of vacant properties within established areas;
- L. Foster a more rational relationship between different land uses for the mutual benefit of all;
- M. Conserve the value of buildings and land;

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

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

Applicable Comprehensive Plan Elements & Policies

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

Land Use Element

- 1. Goal 1, Objective 5, Policy 1.5.3

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

Analysis

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is for a 1.42 ± acre tract located directly across the street north of Curry Mobile Home Park. The existing parcel currently consists of a vacant commercial building that the property owners are looking to reutilize as a new barber shop. The property currently exceeds the maximum one acre lot size requirement of the existing C-2 zoning designation. The subject property has been vacant for more than one (1) year, has lost its nonconforming status, and is now required to come into compliance with all requirements of the 2001 Zoning Code, as amended. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code with the maximum lot size requirement. Although a variance would also take care of the maximum lot size issue for the property, the proposed zone change would make the property completely compliant with the Code, which is preferable.

The proposed reuse of the vacant commercial building on the property may help conserve or potentially increase the value of surrounding buildings and land in the area. The subject property is located on Madrid Avenue, an existing Collector roadway as classified by the Metropolitan Planning Organization

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(MPO), and is in close proximity to two other Arterial roadways where high intensity commercial uses and zoning such as the proposed C-3 zoning designation are encouraged. The subject property is also adjacent to and in close proximity to other properties with the C-3 zoning designation, making it compatible with adjacent properties in terms of use and zoning.

Conclusion

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

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the goals and objectives of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed C-3 Zoning District is harmonious with and not out of character with the uses and zoning districts of the surrounding area.

DRC RECOMMENDATION

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

STAFF RECOMMENDATION

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

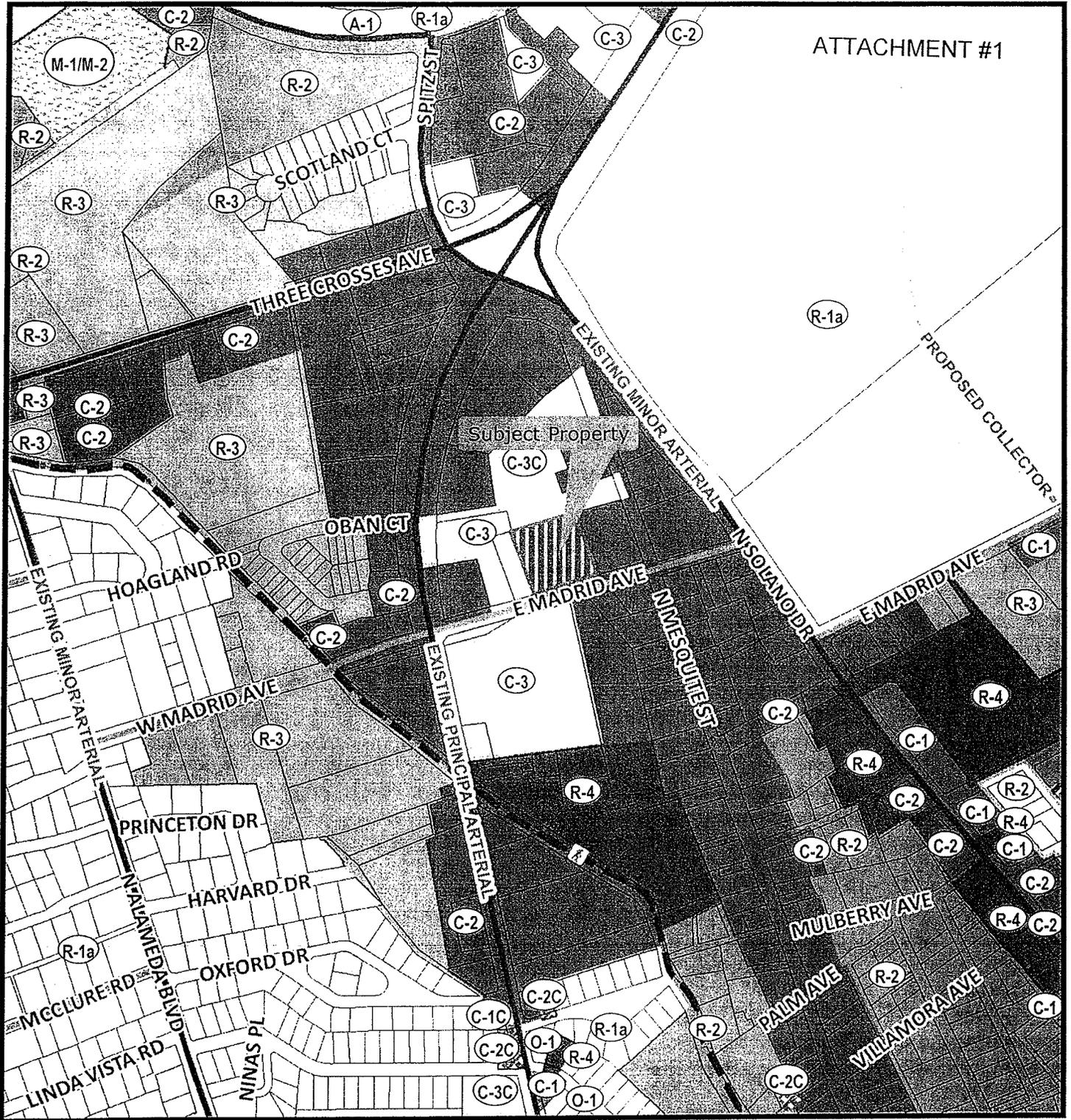
FINDINGS FOR APPROVAL

1. The subject parcel currently encompasses a total of 1.42 ± acres, is zoned C-2 (Commercial Medium Intensity) and consist of a vacant commercial building.
2. The subject property is located on Madrid Avenue, an existing Collector roadway as classified by the Metropolitan Planning Organization (MPO), and is in close proximity to two other Arterial roadways where high intensity commercial uses and zoning such as the proposed C-3 zoning designation are encouraged. (1999 Comprehensive Plan Goal 1, Objective 5, Policy 1.5.3b)
3. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code with the maximum lot size requirement of the Code. (2001 Zoning Code, Article 4, Section 38-32D)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of 1999 Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

ATTACHMENTS

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

ATTACHMENT #1



Legend

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

250 125 0 250 500 750
 Feet

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

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

ZONING: C-2 TO C-3

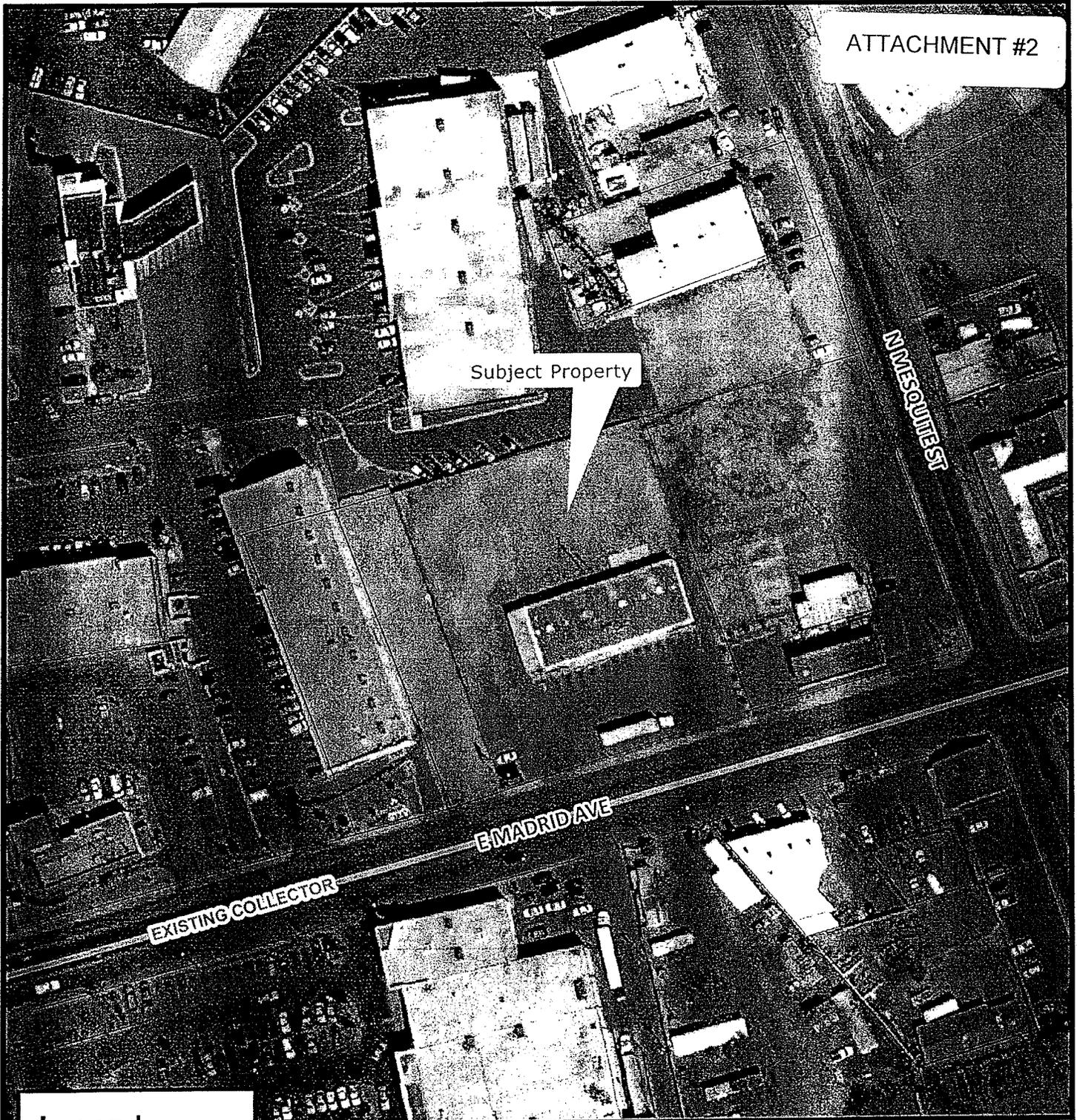
OWNER: EMILIO C PEREZ & HENRY BERNAL

351 Aerial View

PARCEL: 02-04349

DATE: 06/18/2013

ATTACHMENT #2



Legend

 City Parcel

DAC_2010.ecw

RGB

 Red: Band_1

 Green: Band_2

 Blue: Band_3



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

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.

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: Emilio Perez (Milo's)
Contact Person: Emilio Perez
Contact Phone Number: 575 - 639 - 3431
Contact e-mail Address: emilio.perez64@yahoo.com
Web site address (if applicable): N/A

Proposal Information

Name of Proposal: Alteration / Demodel
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Commercial

Location of Subject Property 150 E Madrid Las Cruces, NM.

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

Acreage of Subject Property: 1.4

Detailed description of current use of property. Include type and number of buildings:
One building not in use.

Detailed description of intended use of property. (Use separate sheet if necessary):
Operate milo's barber shop.

Zoning of Subject Property:

Proposed Zoning (if applicable):

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

Proposed square footage range of homes to be built from to



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

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

Anticipated traffic generation _____ trips per day.

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

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

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

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

Is there existing landscaping on the property? _____

Are there existing buffers on the property? _____

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

If yes, is it paved? Yes X 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

Aug. 31. 2009 10:08AM SCANLON WHITE

PLAT OF SURVEY

OF A 1.448 ACRE TRACT
AND A 0.271 ACRE TRACT
LOCATED IN SECTION 7, T.23S., R.2E.
IN M.P.M. OF THE U.S.A.S. SURVEYS,
BEING PART OF U.S.S. TRACT 9-27B
CITY OF LAS CRUCES
JONA ANA COUNTY
NEW MEXICO

INSTRUMENT OF RECORD
WARRANTY DEED FILED JULY 25, 2009,
IN BOOK 444, PAGE 1061-1062
OF THE JONA ANA COUNTY RECORDS.

LINE	BEARING	LENGTH
L1	S75°33'30"W	47.35'
L2	N74°23'12"E	47.35'

BY: BRADY
E. RODRIGUEZ
09-07-0222
DATE: JULY 13, 2009

THIS IS A SOLELY SURVEYING
OFFICE AND DOES NOT GUARANTEE
THE ACCURACY OF THE DATA
OR THE RESULTS OF THE SURVEY
UNLESS SPECIFICALLY STATED
OTHERWISE.

PROPERTY NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____
COUNTY: _____
ZIP: _____

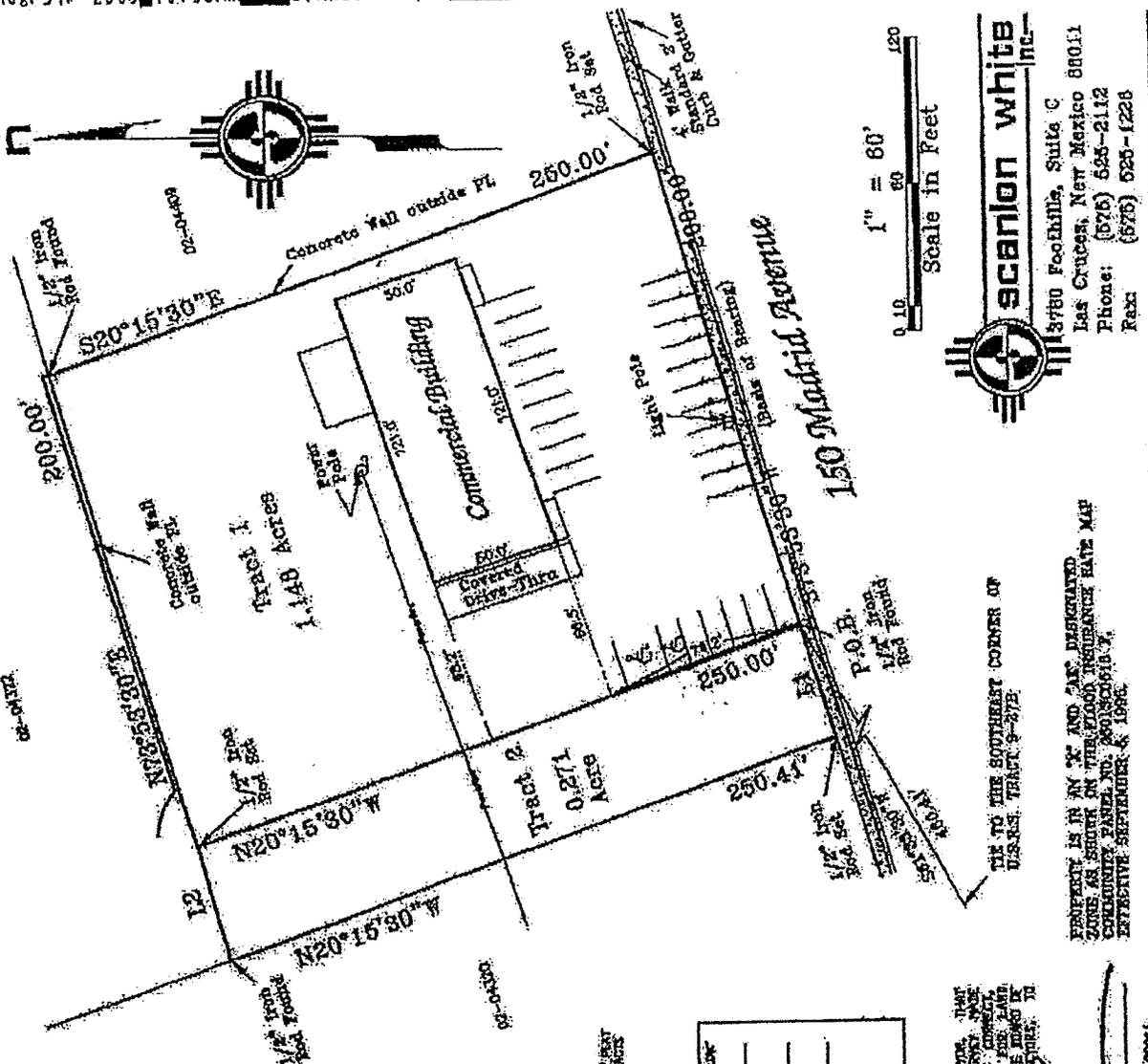


STATEMENT OF WORK

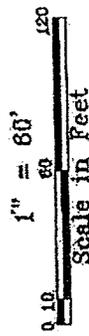
THIS IS TO CERTIFY THAT I, AS SURVEYOR, HAVE SUCCESSFULLY COMPLETED THE SURVEY OF THE TRACT DESCRIBED ABOVE AND THAT THE PLAT IS TRUE AND CORRECT. I HAVE BEEN FULLY COMPENSATED BY THE CLIENT FOR THE SURVEY AND I HAVE NO UNPAID DEBTS TO THE STATE OF NEW MEXICO. I HAVE ALSO BEEN FULLY COMPENSATED BY THE CLIENT FOR THE SURVEY AND I HAVE NO UNPAID DEBTS TO THE STATE OF NEW MEXICO.

JULY 13, 2009
DATE OF SURVEY

TERENCE G. SCANLON
3780 Foothills, Suite C
Las Cruces, NM 88011



scanlon white inc.
3780 Foothills, Suite C
Las Cruces, New Mexico 88011
Phone: (576) 585-2112
Fax: (576) 525-1228



THIS IS THE SOUTHWEST CORNER OF
TRACT 9-27B.
PROPERTY IS IN AN "X" AND "A" DESIGNATED
ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NO. 26015C0187.
EFFECTIVE SEPTEMBER 8, 1995.

Comprehensive Plan Elements and Policies

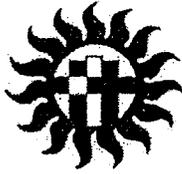
The following policies from the 1999 Comprehensive Plan are relevant to the current proposals:

Land Use Element, Goal 1 (Land Uses)

Policy

- 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:
- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
 - b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.
 - c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
 - d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
 - e. Adequate space for functional circulation shall be provided for parking and loading areas.
 - f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: June 18, 2013

TO: ~~Development Services~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2863 (Review No.1)

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

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

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

Please review and return to the Community Development Department no later than [June 25, 2013].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 6/20/13

REVIEWER NAME: Adam Ochoa

REVIEWER CONTACT NO. X3204

- The proposed zone change will bring the subject property into compliance with the 2001 Zoning Code, as amended.

June 24, 2013

Z2863 (C-2 to C-3)

150 E Madrid Avenue

Advanced Planning Comments (Carol McCall)

Conclusions

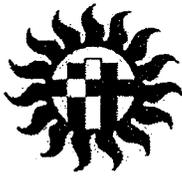
This proposal is a zoning conversion of two land tracts totaling ~1.4 acres from C-2 to C-3, in order to comply with the 2001 zoning code which does not allow C-2 zoned lots to exceed 1 acre in size. Seeing as the applicants don't intend to change the use of the property (it is currently a barber shop) or to build additional structures at this time, there is no conflict with the Comprehensive Plan and staff supports the zone change.

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

Land Use Element, Goal 1 (Land Uses)

Policy

- 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:
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 - c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
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 - h. Low and medium intensity commercial use are permitted in high intensity commercial areas.



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: June 18, 2013

TO: ~~MPO~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2863 (Review No.1)

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

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

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Please review and return to the Community Development Department no later than **[June 25, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 6/20/13

REVIEWER NAME: Andrew Whaley
REVIEWER CONTACT NO. 3070

MPO REVIEW COMMENTS
 Planning and Zoning Commission Cases

Case #: Z2863

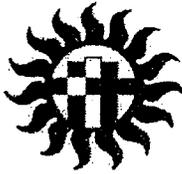
Date: June 18, 2013

Request: 150 E. Madrid Avenue
 Zone Change C-2 to C-3

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Madrid	Adj.		Collector	85'		5859 (2011)	Bike lanes	

Recommended Conditions of Approval

Additional Comments



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: June 18, 2013

TO: ~~Engineering~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2863 (Review No.1)

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

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

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APPROVED AS IS:

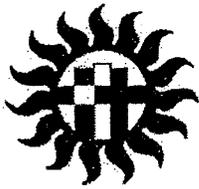
YES

NO

APPROVED WITH CONDITIONS:

DATE: 6/27/13

REVIEWER NAME: Rocio Dominguez
REVIEWER CONTACT NO. 528-3071



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Case Review Sheet

To: Engineering Services

Case #: Z2863

Date: June 18, 2013

Request: 150 E. Madrid Avenue
Zone Change C-2 to C-3

FLOOD ZONE DESIGNATION:

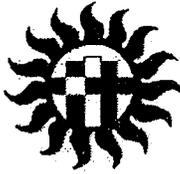
Zone A	(Flood elevation needed)	_____
Zone AE	(Flood elevation known)	_____
Zone AH	(Flood 1' – 3' ponding)	_____
Zone AO	(Flood 1' – 3' – steep slopes)	_____
Zone A99	(100-year flood)	_____
Zone X		<input checked="" type="checkbox"/>
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

DEVELOPMENT IMPROVEMENTS:

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval _____ Denial



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: June 18, 2013

TO: ~~Traffic~~

FROM: Adam Ochoa, Planner

RECEIVED

CASE NO.: Z2863 (Review No.1)

JUN 19 2013

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

TRAFFIC

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

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IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 6/20/13

REVIEWER NAME: K. Guzman
REVIEWER CONTACT NO. 2701

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

TRAFFIC:

Case #: Z2863 Date: June 18, 2013

Request: 150 E. Madrid Avenue
Zone Change C-2 to C-3

SITE ACCESSIBILITY: *

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

ON-STREET PARKING IMPACTS:

None Low Medium High

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

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

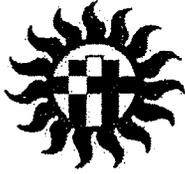
Is a TIA required? Yes No

If yes, please provide findings: _____

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: June 18, 2013
TO: ~~Land Management~~
FROM: Adam Ochoa, Planner
CASE NO.: Z2863 (Review No.1)
SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

RECEIVED

JUN 19 2013

CITY OF LAS CRUCES
LAND MANAGEMENT

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

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APPROVED AS IS:

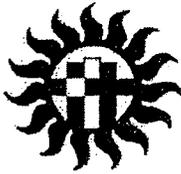
YES

NO

APPROVED WITH CONDITIONS:

DATE: 6-20-13

REVIEWER NAME: B.A. HAMM
REVIEWER CONTACT NO. 528-3410



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: June 18, 2013

TO: ~~Parks & Rec~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2863 (Review No.1)

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

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

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Please review and return to the Community Development Department no later than [June 25, 2013].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 6/19/13

REVIEWER NAME: *Adam Ochoa*

REVIEWER CONTACT NO. 2550

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

PARKS:

Case #: Z2863

Date: June 18, 2013

Request: 150 E. Madrid Avenue
Zone Change C-2 to C-3

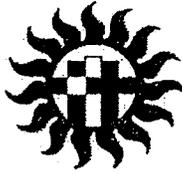
Are park impact fees going to be assessed for the proposed development?
Yes _____ No X

If no, why?

No dwelling units

COMMENTS:

RECOMMENDATION: X APPROVAL _____ DENIAL



City of Las Cruces®

PEOPLE HELPING PEOPLE

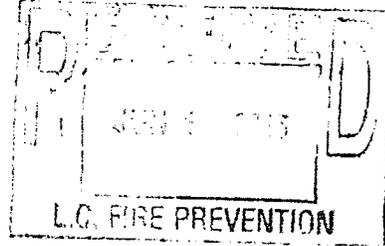
DATE: June 18, 2013

TO: ~~Fire~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2863 (Review No.1)

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3



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

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Please review and return to the Community Development Department no later than **[June 25, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 6/27/13

REVIEWER NAME: JMP
REVIEWER CONTACT NO. X 4150

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

FIRE PREVENTION BUREAU:

Case #: Z2863

Date: June 18, 2013

Request: 150 E. Madrid Avenue
Zone Change C-2 to C-3

ACCESSIBILITY ISSUES: *

CONCERN

	Low	Medium	High
Building Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Secondary Site/Lot Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireflow/Hydrant Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Type of Building Occupancy: B

Closest fire department that will service this property:

Name Station 1

Address/ Location 201 Picacho

Distance from subject property (miles) 1

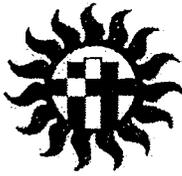
Adequate capacity to accommodate proposal? Yes No

Explain: _____

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: June 18, 2013

TO: ~~Utilities~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2863 (Review No.1)

SUBJECT: 150 E. Madrid Avenue
Zone Change from C-2 to C-3

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APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 06/25/13

REVIEWER NAME: John Red

REVIEWER CONTACT NO. 528.3635

NO water right issues - E.O. 0/20/2013

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: 22863 DATE: 06/25/13

REQUEST:

WATER AVAILABILITY & CAPACITY:*

Water Provider:

CLC

Other _____

CLC Water System capable of handling increased usage:

Yes

No _____

Comment _____

WASTEWATER AVAILABILITY & CAPACITY:*

Wastewater service type:

CLC Sewer:

On-lot septic _____

CLC Wastewater System capable of handling increased usage:

Yes

No _____

Comment _____

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces

Other _____

CLC Gas System capable of handling increased usage:

Yes

No _____

Comment _____

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial _____

Additional comments: _____



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

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Charles Schultz, Member

BOARD MEMBERS ABSENT:

Ray Shipley, Member
Joanne Ferrary, Member

STAFF PRESENT:

Adam Ochoa, Planner, CLC
Mark Dubbin, CLC Fire Department
Robert Cabello, CLC Legal Staff

Becky Baum, RC Creations, Recording Secretary

I. CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. The July 23rd meeting of the City's Planning and Zoning Commission is called to order. Let me start as we usually do by introducing the Commissioners present. On my far right is Commissioner Scholz. He represents ... he's the mayor's appointee. Then is Commissioner Stowe who is also our Vice-Chair. Commissioner Stowe represents Council District 1. Commissioner Beard is also our Secretary and he represents District 2. I'm the Chair, Godfey 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: We also start by asking if any member of the Commission or anybody representing the city at the moment has any conflict of interest regarding any of the matters before the Commission tonight. Commissioners? City employees? None.

III. APPROVAL OF MINUTES

1. June 25, 2013 - Regular meeting

- 1
2 Crane: Our next matter is approval of the minutes of our last meeting on the 25th
3 of June. Commissioner Scholz, do you have anything?
4
5 Scholz: I move to approve the minutes of June 25th, 2013.
6
7 Crane: You have no amendments?
8
9 Scholz: No, I thought we'd get it on the floor first.
10
11 Crane: Oh, very wise. Thank you. Is there a second for that?
12
13 Stowe: Second.
14
15 Crane: Okay, Commissioner Scholz, comments, amendments?
16
17 Scholz: No, didn't find anything.
18
19 Crane: Commissioner Stowe? And Commissioner Beard? I have a few
20 regretably: page 2, line 2, minor matter, second line in the beginning the
21 word "it" should be taken out. It doesn't make any sense where it is.
22 Page 4, line 44, at the beginning of the line we should have the word "on",
23 "on which there are sometimes many things" and then the words "on it"
24 should be removed. Page 36, line 31, I'm not in the position to say exactly
25 what Mr. Pofahl said here but his reply does not make much sense, "this
26 whole project would have to go to an optional site without zoning approval"
27 and I wonder if any of my fellow Commissioners think he may have said
28 "alternative" or some other such word? If we don't know then we'll let it
29 stand. And finally, page 37, line 43, again a minor matter, "Ladies and
30 gentlemen" plural. Any other Commissioner have any points? In that
31 case all in favor accepting the minutes of the last meeting as amended
32 say aye.
33
34 ALL: Aye.
35
36 Crane: Against? Any abstentions? Then it passes 4-nothing.
37
38 **IV. POSTPONEMENTS - NONE**
39
40 Crane: Any postponements, Mr. Ochoa?
41
42 Ochoa: No sir, none tonight.
43
44 Crane: Thank you.
45
46 **V. CONSENT AGENDA**

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32
1. **CPB-13-01:** Recommendation to City Council regarding the adoption of the East Mesa Community Blueprint submitted by the City of Las Cruces. The East Mesa Community Blueprint area is located south of US Highway 70 and east of Porter Road. The planning area is roughly bounded by Cortez Dr., Mauro Dr., the Alameda Arroyo and Davis Rd. The intent of the blueprint is to serve as a policy guide for future planning and development efforts in this area. District 6 (Councilor Thomas)
2. **Case S-13-014:** Application of Donohue Land Surveys on behalf of Jon R. & Barbara L. Rice, property owners for a replat known as Jornada North - Jornada South Subdivision, Replat No. 3 on a 3.26 +/- acre lot located on the northeast corner of Big Sky Drive and San Augustine Drive; a.k.a. 5900 San Augustine Drive; Parcel ID# 02-15834. Proposed Use: Subdividing one (1) existing single-family residential lot into two (2) new single-family residential lots; Council District 5 (Councilor Sorg)
3. **Case Z2862:** Application of Nava-Tech Inc. On behalf of Thomas A. & Janet L. Paz, property owners, to rezone from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2 (Office, Professional - Limited Retail Services) on 0.35 +/- acres lot located on the north side of Boutz Road, 200 +/- feet east of its intersection with Jones Road; a.k.a. 330 E. Boutz Road; Parcel ID# 02-24411. Proposed Use: The continued use of an optometrist office; Council District 3 (Councilor Pedroza)
4. **Case Z2863:** Application of Emilio C. Perez & Henry Bernal, property owners, to rezone from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a 1.42 +/- acre lot located on the north side of Madrid Avenue, 365 +/- feet east of its intersection with Main Street; a.k.a. 150 E. Madrid Avenue; Parcel ID# 02-04349. Proposed Use: A barber shop; Council District 1 (Councilor Silva)

33 Crane: Now we proceed to the consent agenda and let me at this point explain to
34 everybody present how we handle the consent agenda and, for that
35 matter, the new business agenda. The consent agenda items are matters
36 judged by the city to be noncontroversial, just typically rubber stamping
37 some small change of paperwork and we vote on these as a block, up or
38 down, no discussion, unless any member of the Commission, or city
39 person, or member of the public wishes to bring it before the Commission
40 for a discussion, in which case we will put it in to new business. Does
41 anybody here wish to bring any of these four items, CPB-13-01, Case S-
42 13-014, Case Z2862, or Case Z2863 forward for discussion a little later?
43 Are we quite sure of that because I have a document regarding Case S-
44 13-014 that indicates some people have some information on that
45 particular matter. If nobody's prepared to bring it up then we'll ... very

1 well, we will vote on these four items together as the consent agenda. Do
2 I have a mover?

3
4 Scholz: So moved.

5
6 Beard: Second.

7
8 Crane: Commissioner Scholz moves, Commissioner Beard seconds. All in favor
9 aye.

10
11 ALL: Aye.

12
13 Crane: Any opposed? It passes four/nothing.

14
15 **VI. OLD BUSINESS - NONE**

16
17 **VII. NEW BUSINESS**

18
19 1. **Case S-13-008:** Application of Borderland Engineers and Surveyors LLC on
20 behalf of Reliance Lodging LLC, property owner, to approve a master plan for
21 a 4.412 +/- acre lot that will be known as the Divine Geeta Commercial
22 Master Plan. The master plan will allow for the phasing and alternate
23 summary subdivision for a commercial shopping/business development. The
24 subject property is located on the south side of Valley Drive, east of Main
25 Street, and west of University Avenue and north of Interstate 10; a.k.a. 2600
26 S. Valley Drive; Parcel ID# 02-07806; Proposed Use: Shopping/business
27 development; Council District 2 (Councilor Smith)

28
29 Crane: So we pass on to the new business. The way we handle this is that first
30 the City, probably Mr. Ochoa, makes a presentation then Commissioners
31 ask Mr. Ochoa any questions they may have. We pass then to the
32 applicant who himself or herself or their representative of that person
33 makes a presentation. Again we can question them and finally we open
34 the matter to public discussion and we may have some questions for any
35 members of the public. When the public has spoken we close the debate
36 and the Commissioners discuss it among themselves and take a vote. So
37 we proceed to ... Oh, I guess the old business, Mr. Ochoa.

38
39 Ochoa: No, sir, none tonight.

40
41 Crane: We proceed to Case S-13-008, application of Borderland Engineers on
42 behalf of Reliance Lodging to approve a master plan for lot that will be
43 known as the Divine Geeta, Geeta, does anybody know?

44
45 Ochoa: That is Geeta, sir.

46

Location Vicinity Map

376

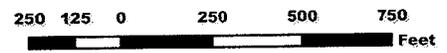
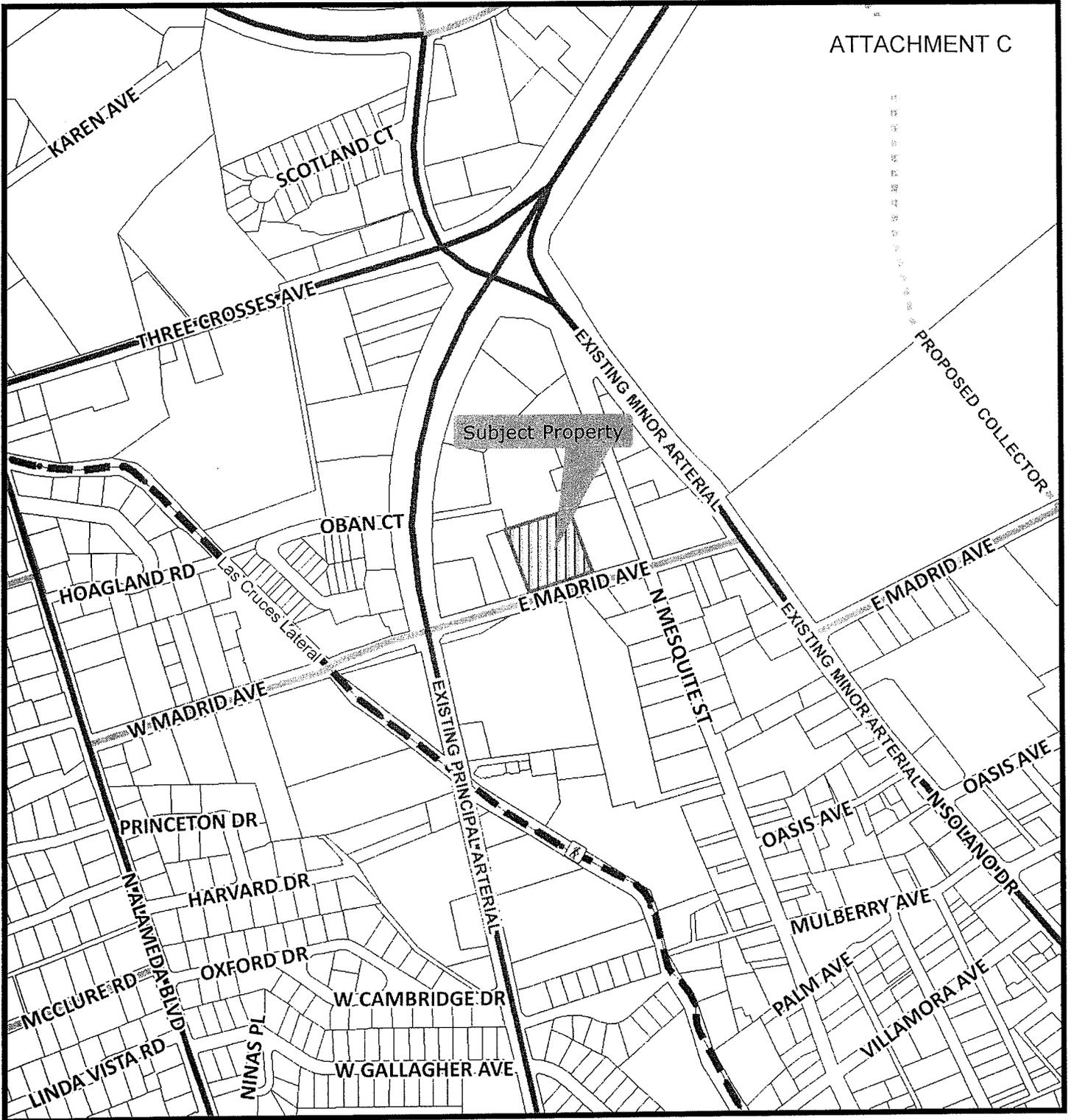
ZONING: C-2 TO C-3

OWNER: EMILIO C PEREZ & HENRY BERNAL

PARCEL: 02-04349

DATE: 06/18/2013

ATTACHMENT C



Legend

Interstates_Highway
 EBID Water System
 Railroad

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

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