

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 23Ordinance/Resolution# 14-084For Meeting of _____
(Ordinance First Reading Date)For Meeting of October 21, 2013
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION TO APPEAL THE FAILED MOTION BY THE PLANNING AND ZONING COMMISSION FOR APPROVAL OF A REQUEST FOR A VARIANCE OF NINE (9) FEET TO THE MINIMUM REQUIRED TWENTY-SEVEN (27) FOOT WIDE DRIVING/BACK-UP AISLE ON A 0.454 ± ACRE LOT LOCATED AT 202 N. COMPRESS ROAD. SUBMITTED BY BREWER OIL COMPANY, PROPERTY OWNER (A1719).

PURPOSE(S) OF ACTION:

Driving/back-up aisle variance.

| | | |
|--|---|----------------------------------|
| COUNCIL DISTRICT: 4 | | |
| <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 variance is for a property located on the east side of Compress Road, approximately 900 ± feet north of its intersection with Amador Avenue, directly west of the railroad tracks. The applicant is seeking to relocate a business to the subject property. The applicant is remodeling the existing vacant warehouse and is required to provide ADA compliant parking for the property. To try and meet access requirements to the building from the ADA parking area, the applicant is seeking to install the required ADA parking on an existing loading dock. The new parking area is required by the 2001 Zoning Code to have a minimum 27-foot wide driving/back-up aisle adjacent to it. The applicant is proposing the ADA parking area with an 18-foot wide driving/back-up aisle requiring a variance of 9-feet to the minimum required 27-foot wide driving/back-up aisle.

On August 27, 2013, the motion for approval failed at the Planning and Zoning Commission (P&Z) by a vote of 3-3-0, (one Commissioner absent). During the meeting, the P&Z and the applicant discussed the issue of the requisite ADA parking area and explored different options the applicant could attempt in order to meet all City of Las Cruces parking regulations including

the ADA access requirement into the building. Some Commissioners had issues with locating the ADA parking area on a dock that would be utilized by the business and others saw no issue with allowing the parking area at the proposed location with the narrower driving aisle. Please note that even though the majority of the discussion that took place at the meeting focused on the location of and the need for ADA parking, the proposed variance and actual decision was for the minimum required back-up/driving aisle. For more details about the discussion at the meeting please see Attachment "C".

The evaluation criteria utilized by the P&Z regarding variances is located within Article II Section. 38-10 J/Criteria for Decisions:

- A physical hardship relative to the property (i.e. topographic constraints or right-of-way takes resulting in reduced development flexibility, etc.) in question.
- The potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted.
- Monetary considerations not as a whole, but relative to options available to meet the applicant's stated objectives when such options cause considerable monetary hardship under strict application of code provisions.

Staff and the P&Z determined that the proposed variance does not meet this variance criteria specified by the 2001 Zoning Code, as amended. A physical hardship does not exist since the applicant has other options for locating a parking area on the large and open subject property where the minimum required back-up/driving aisle can be achieved. As this is an existing business in the City looking to relocate and not a new business establishing itself within the City of Las Cruces, there is also no additional potential to spur economic development.

On September 10, 2013, the applicant filed an appeal of the P&Z decision. The applicant listed several factors as the basis for appeal including the applicant's perception that the tie vote failed to render an actual decision on the proposed variance. The applicant also stated that the existing ramp and proposed parking on the loading dock provides viable access to the warehouse. Please see Attachment "C" for the remainder of the applicant's basis of appeal. Staff has not received any public comments in opposition regarding the variance request.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Zoning Code Requirements.
4. Attachment "A", Basis of appeal.
5. Attachment "B", Staff Report to the Planning and Zoning Commission for Case A1719.
6. Attachment "C", Minutes from the August 27, 2013 Planning and Zoning Commission meeting.
7. Attachment "D", Vicinity Map.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

| |
|-----|
| N/A |
|-----|

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 approve the Resolution and allow the proposed nine (9) foot variance to the minimum required twenty-seven (27) foot wide driving/back-up aisle for the property located at 202 N. Compress Road. The applicant shall be permitted to locate the ADA parking area at the proposed location with an eighteen (18) foot wide driving/back-up aisle.
2. Vote "No"; this will deny the Resolution and not allow the proposed nine (9) foot variance to the minimum required twenty-seven (27) foot wide driving/back-up aisle for the property located at 202 N. Compress Road. The proposed ADA parking area will need to meet the required width.
3. Vote to "Amend"; this could allow Council to modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Resolution 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

RESOLUTION NO. 14-084

A RESOLUTION TO APPEAL THE FAILED MOTION BY THE PLANNING AND ZONING COMMISSION FOR APPROVAL OF A REQUEST FOR A VARIANCE OF NINE (9) FEET TO THE MINIMUM REQUIRED TWENTY-SEVEN (27) FOOT WIDE DRIVING/BACK-UP AISLE ON A 0.454 ± ACRE LOT LOCATED AT 202 N. COMPRESS ROAD. SUBMITTED BY BREWER OIL COMPANY, PROPERTY OWNER (A1719).

The City Council is informed that:

WHEREAS, Brewer Oil Company, the property owner, has submitted a request for a variance of nine (9) feet to the minimum required twenty-seven (27) foot driving/back-up aisle for the property located at 202 N. Compress Road; and

WHEREAS, after conducting a public hearing on August 27, 2013, the motion of approval made by the Planning & Zoning Commission failed by a vote of 3-3-0 (one Commissioner absent).

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

(I)

THAT the failed motion to approve the variance by the Planning and Zoning Commission is hereby overturned.

(II)

THAT granting the variance is in accordance with Section 38-10, Criteria for Decision, of the Las Cruces 2001 Zoning Code, as amended.

(III)

THAT the property owner is hereby granted the following variance for the property as shown in Exhibit "A" and located at 202 N. Compress Road: A 9-foot variance from the minimum required 27-foot wide driving/back-up aisle for parking with

a 90 degree angle as illustrated on Exhibit "B", attached hereto and made part of this Resolution.

(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: _____

VOTE:

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

APPROVED AS TO FORM:



City Attorney

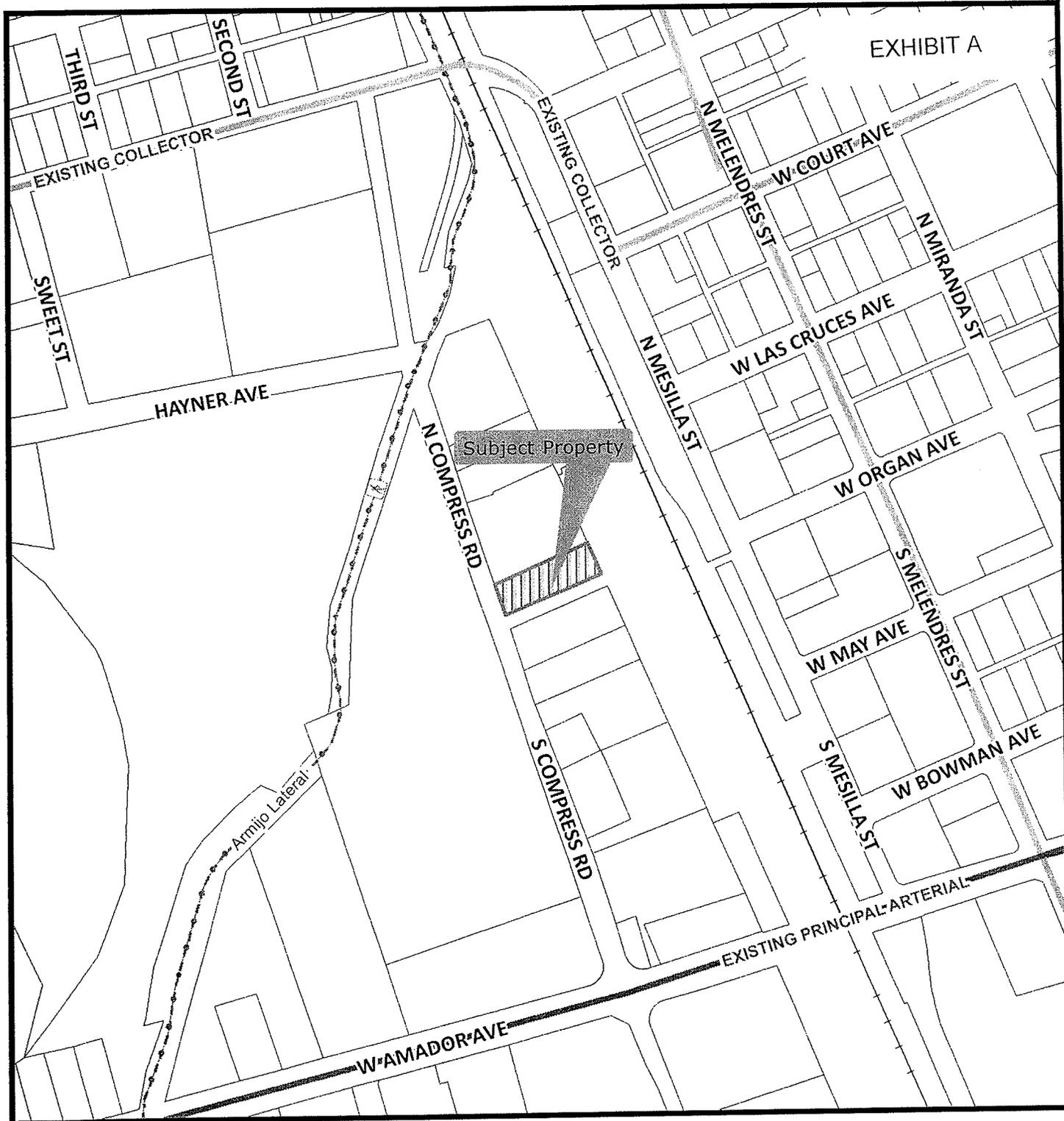
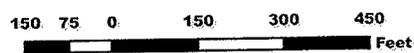


EXHIBIT A

Subject Property



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

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

EXHIBIT "A"

A 0.454 acre tract of land situate in the City of Las Cruces, Dona Ana County, New Mexico, being the southerly 80 feet of U.S.R.S. Tract 9A-132B shown on the U.S.R.S. Property Maps and more particularly described as follows, to wit:

Beginning at the southeast corner of the tract herein described marked by an iron rod set on the west line of the Station grounds of the Atchison, Topeka and Santa Fe Railway Company, which point is two hundred (200) feet west of and at right angles to the centerline of the company's main track, and on the north line of an extension of Organ Avenue to the west (not the same line as the north line of Organ Avenue east of the railroad), whence an iron pipe set in concrete at the northeast corner of U.S.R.S. Tract 9A-133, property of the Continental Oil Company bears S.23°38'E., a distance of 30.00 feet; thence along the north line of the extension of Organ Avenue, 30 feet wide, S.66°22'39"W., 251.00 feet to the southwest corner of this tract marked by a nail in concrete; thence along the east side of Compress Road N.18°41'30"W., 80.00 feet to the northwest corner marked by an iron rod; thence N.66°18'29"E., 244.11 feet to the northeast corner of this tract marked by an iron rod; thence along the west line of the Station grounds S.23°38'E., 80.00 feet to the place of beginning, containing 0.454 acre of land more or less.

Sec. 38-58. Off-Street Parking

A. PURPOSE

The purpose of this section is to:

1. Allow flexibility in addressing vehicle parking, loading, and access issues by presenting a menu of strategies to address parking issues rather than only parking space requirements;
2. Ensure that off-street parking, loading, and access demands associated with new development are met without adversely impacting surrounding land uses and neighborhoods;
3. Accommodate safe and convenient movement of vehicles, bicycles, pedestrians and transit.

B. APPLICATION

These parking regulations apply to all properties within the corporate limits of the City of Las Cruces. However, special overlay zoning district's parking regulations may override the regulations found in this section. For those regulations, the specific section of the special overlay zoning district should be consulted.

C. DEFINITIONS

Pertinent definitions are found later in this Section or in Article III of this Code.

D. SIZE OF PARKING STALLS AND DRIVING AISLES

The minimum dimensional requirements for parking stalls and driving aisles are shown in the following table. Twenty-four (24) feet is the minimum two-way driving aisle width, including non-dedicated streets or private drives, when there is no parking on both sides of the driving aisle. Twelve (12) feet is the minimum width for a one-way driving aisle. The Las Cruces Fire Department may require wider driving aisles whenever necessary to address fire and safety concerns as addressed in the International Fire Code, as amended.

| PARKING ANGLE | STALL WIDTH | STALL LENGTH | STALL BASE | STALL DEPTH | WIDTH OF ONE-WAY AISLE | WIDTH OF TWO-WAY AISLE |
|----------------------|-------------|--------------|------------|-------------|------------------------|------------------------|
| 30 degrees | 9' | 19' | 18' | 17.3' | 12' | 24' |
| 45 degrees | 9' | 19' | 12.7' | 19.8' | 13' | 24' |
| 60 degrees | 9' | 19' | 10.4' | 21' | 18' | 24' |
| 90 degrees | 9' | 19' | 9' | 19' | 27' | 27' |
| 0 degrees (PARALLEL) | 9' | 22' | 22' | 9' | 12' | 22' |

BREWER

Serving New Mexico since 1958

September 10, 2013

Adam Ochoa
 Community Development Planner
 City of Las Cruces
 P.O. Box 20000
 Las Cruces, New Mexico 88001
 RE: Case # A1719

Dear Mr. Ochoa:

On August 27, 2013 the City of Las Cruces Planning and Zoning Committee was presented a request for a variance, case #A1719. The committee had a vote of 3-3, a tie vote which resulted in a default to the City staff recommendation, a denial of the variance that was requested.

Brewer Oil Co. is appealing this decision based on the following:

- A tie vote for the variance request at the P&Z Committee resulted in a default decision.
- The proposed ADA access is reasonable; access to the warehouse via the existing auto ramp, parking on the loading dock provides viable access to the warehouse.
- The requested variance: to vary (9) feet from the minimum required 27-foot back up/driving isle, is viable due to the fact that during business hours, the additional (9) feet is available by backing into the open warehouse bay door before proceeding down the ramp.
- The Brewer Oil Co. commercial business model sells large bulk quantities of product which are either delivered directly to the customer's home, farm, or business or loaded directly into a customer's vehicle when purchased at the commercial warehouse facility.
- Brewer Oil Co. operates and additional (5) convenient ADA accessible retail locations throughout Las Cruces that sell smaller quantities of the products the commercial warehouse provides in bulk to large commercial customers.
- Brewer Oil Co. requires its warehouse employees to be able to carry (80) lbs., (20) feet as a condition of employment at the warehouse.
- Brewer Oil Co. is prepared to provide additional ADA accommodations at the commercial warehouse site: ADA customers such as: a drive up buzzer and camera at the ADA parking space to notify warehouse personnel that ADA assistance is needed as well as a phone number posted for warehouse assistance.
- A plan B option, installing a 48' ADA ramp at the only public entrance at this site will cause a hardship due to large commercial delivery vehicles having to navigate backing up to the loading dock in between the existing auto ramp and the newly installed ADA entrance ramp causing a hazardous driving situation and a safety concern.
- As a last result, Brewer Oil Co. is considering closing the commercial warehouse to public access in which ADA access will not be required due to the precedent set by the previous owner of this commercial warehouse who was not required to have ADA access because his business was not open to the public.

Please consider this appeal and provide Brewer Oil Co. the opportunity to present to the City Council.

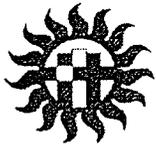
Yours truly,



Jay Lamberth
 Vice President/CFO
 Brewer Oil Co.

JL:jl/st

Brewer Oil Co. • 2701 Candelaria NE • Albuquerque, NM 87107 • (505) 884-2040



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: August 27, 2013
Drafted by: Adam Ochoa, Planner *AO*

CASE # A1719 **PROJECT NAME:** 202 N. Compress Rd. (Driving /Back-up Aisle Variance)

**APPLICANT/
REPRESENTATIVE:** Brewer Oil Company **PROPERTY OWNER:** Brewer Oil Company

LOCATION Located on the east side of North Compress Road, 900 ± feet north of its intersection with West Amador Avenue **COUNCIL DISTRICT:** 4 (Councillor Small)

SIZE: 0.454 ± acres **EXISTING ZONING/
OVERLAY:** M-1/M-2 (Industrial Standard)

**REQUEST/
APPLICATION TYPE:** To vary nine (9) feet from the minimum required 27-foot wide driving/back-up aisle

EXISTING USE: Vacant warehouse

PROPOSED USE: Warehouse storing bulk commercial lubricants and fuel

**STAFF
RECOMMENDATION:** Denial based on findings

TABLE 1: CASE CHRONOLOGY

| Date | Action |
|-----------------|--|
| July 3, 2013 | Application submitted to Development Services |
| July 8, 2013 | Case sent out for review to all reviewing departments |
| July 15, 2013 | Comments returned by all reviewing departments |
| July 18, 2013 | Staff reviews and recommends denial of the proposed variance |
| August 11, 2013 | Newspaper advertisement |
| August 12, 2013 | Public notice letter mailed to neighboring property owners |
| August 16, 2013 | Sign posted on property |
| August 27, 2013 | Planning and Zoning Commission public hearing |

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is seeking to relocate a business to the property located at 202 N. Compress Road. The applicant will be remodeling the existing vacant warehouse and is required to provide ADA compliant parking for the property. To try and meet access requirements to the building from the ADA parking area, the applicant is seeking to install the required ADA parking on an existing loading dock. The new parking area is required to have a minimum 27-foot wide driving/back-up aisle adjacent to it. The applicant is proposing a variance of 9-feet to the minimum required 27-foot wide driving/back-up aisle.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

| Standard | Existing | Proposed | Zoning Code Req. |
|------------------------|--|-----------|--------------------------------------|
| Max # of DU/parcel | N/A | N/A | N/A |
| Max Density (DU/ac.) | N/A | N/A | N/A |
| Lot Area | 0.45 ± acres (19,602 ± square feet) | No change | 15,000 square feet min. / no max. |
| Lot Width | 76 ± feet | No change | 60 feet min. |
| Lot Depth | 248 ± feet | No change | 70 feet min. |
| Setbacks | | | |
| Front | 107 ± feet at closest point | No change | 15 feet min. |
| Side | 0 feet | No change | 20 or 0 feet min. |
| Side | 0 feet | No change | 20 or 0 feet min. |
| Rear | 0 feet | No change | 15 or 0 feet min. |
| Accessory Structure | N/A | N/A | N/A |
| ROW Dedication | 50 feet wide (Compress Road) | No change | 50 feet wide (Compress Road) |

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 warehouse | N/A | M-1/M-2 (Industrial Standard) |
| North | Warehouse/Industrial | N/A | M-1/M-2 (Industrial Standard) |
| South | Industrial | N/A | M-1/M-2 (Industrial Standard) |
| East | Railroad | N/A | M-1/M-2 (Industrial Standard) |
| West | Vacant Industrial | N/A | M-1/M-2 (Industrial Standard) |

TABLE 5: PARCEL HISTORY

| Number | Status |
|---------------|--|
| Permit # 4426 | A building permit for a commercial alteration to the existing building. The permit was approved conditionally pending the outcome of the variance. |
| 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 | No | No |
| Metropolitan Planning Organization (MPO) | Yes | No |
| CLC CD Engineering Services | Yes | No |
| CLC Land Management | Yes | No |
| CLC Traffic | N/A | N/A |
| CLC Fire & Emergency Services | Yes | No |
| CLC Utilities | Yes | Yes |

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria

The Planning and Zoning Commission (P & Z) has the authority to grant variances to the numeric standards of the 2001 Zoning Code, as amended. Granting any variance shall not merely serve as a convenience to the applicant, but the variance shall be the minimum necessary for relief in order to accomplish the stated objective(s) of the applicant's request or demonstrable hardship. Hardships are not considered personal or monetary. The P & Z 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. Additionally, decisions for granting a variance shall be based on:

1. A physical hardship relative to the property (i.e., topographic constraints or right-of-way takes resulting reduced development flexibility, etc.) in question;
2. The potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted; and
3. Monetary considerations not as a whole, but relative to options available to meet the applicant's stated objectives when such options cause considerable monetary hardship under strict application of code provisions.

Analysis

The proposed 9-foot variance to the minimum 27-foot wide driving/back-up aisle requirement for the subject property will permit the locating of the required ADA parking area as the applicant has proposed on an existing loading dock. Staff believes that the location of the ADA parking area on the existing loading dock may cause potential conflicts between people trying to park on the dock and the business utilizing the dock for their commercial services. Staff believes that the applicant has other options as to where the ADA accessible parking area can be located, which may not need a variance as the current proposed location does. The proposed variance does not meet variance criteria specified by the 2001 Zoning Code, as amended, and listed above. Based on the criteria listed above, staff recommends denial for the proposed variance.

DRC RECOMMENDATION

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

STAFF RECOMMENDATION

Staff has reviewed the proposed variance and based on the following findings recommends denial.

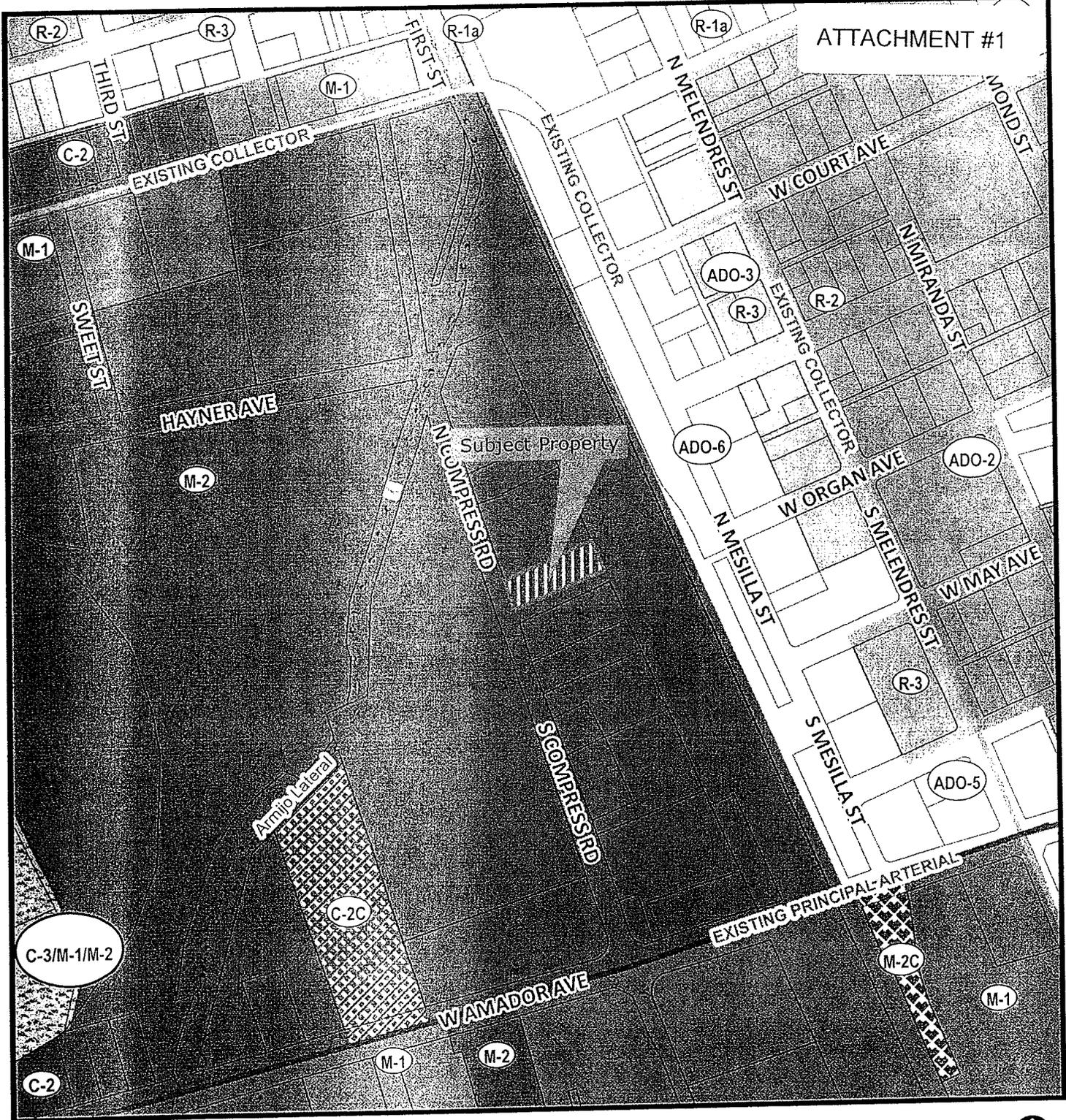
FINDINGS FOR DENIAL

1. The subject property encompasses 0.45 ± acres, is zoned M-1/M-2 (Industrial Standard) and currently contains a vacant warehouse.
2. A commercial off-street parking area requires a minimum 27-foot wide driving/back-up aisle adjacent to parking stalls with a 90 degree angle. (2001 Zoning Code Article 6, Section 38-58D)
3. The 9-foot variance request to the minimum 27-foot wide driving/back-up aisle requirement for the new ADA-compliant parking area for the property located at 202 N. Compress Road does not meet the criteria for decisions as outlined in Article 2, Section 38-10J of the 2001 Zoning Code, as amended.

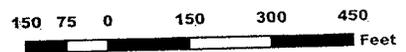
ATTACHMENTS

1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Statement of Hardship for Variance Request
5. Applicant's Narrative
6. Reviewing Department/Agency Comments and/or Conditions

ATTACHMENT #1



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



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

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ZONING: M-1/M-2
OWNER: BREWER OIL CO. INC.

678
Aerial View

PARCEL: 02-02475
DATE: 07/08/2013

ATTACHMENT #2



Legend

DAC_2010.ecw

RGB

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



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

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DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: Brewer Oil Co.
 Contact Person: Jody Thomas Lee
 Contact Phone Number: (505) 819-8120
 Contact e-mail Address: jlee@breweroil.com
 Web site address (if applicable): www.breweroil.com

Proposal Information

Name of Proposal: Brewer Oil Co. Warehouse Re-MODEL
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Commercial/Industrial
 Location of Subject Property 202 Compress Road Las Cruces, NM 88005
 (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: .454
 Detailed description of current use of property. Include type and number of buildings:
Commercial Warehouse - one building with detached bulk fuel site. Warehouse stores bulk lubricants.
 Detailed description of intended use of property. (Use separate sheet if necessary):
Commercial Warehouse - one building. Warehouse will store bulk lubricants.

 Zoning of Subject Property: Commercial
 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):

N/A Re-model of existing warehouse.

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

Monday-Friday 7am-5pm

Anticipated traffic generation Same as Current trips per day.

Anticipated development schedule: work will commence on or about 7/29/13

and will take 3-4 weeks to complete.

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

Same as current.

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). No

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

Is there existing landscaping on the property? No

Are there existing buffers on the property? No

Is there existing parking on the property? Yes ___ No

If yes, is it paved? Yes ___ No

How many spaces? 0 How many accessible? 0

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

Statement of Hardship for Variance Requests

If you are applying for any variances, please provide a brief explanation as to whether or not your request lends support to the following questions. If you have no variance requests, please disregard this form.

1. Is there a physical hardship relative to the property (i.e. topographic constrains or right-of-way takes resulting reduced development flexibility, etc.) in question?

The additional required ADA ramp will impede daily operations - deliveries made to loading dock AREA will be narrow, see attached site plan. Existing site ramp can be utilized to Accomodate ADA customers.

2. Is there a potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted?

Brewer Oil Co. is currently developing the Congress/Amador area which will increase commercial customer access to fuel and bulk lubricants. A 1.5 million dollar commercial fueling site is currently expected to start construction Sept. 2013 on the corner of Congress and Amador. A local contractor and architect has been chosen for that project as well as the re-model of the purchased warehouse and demolition of the old/unsafe warehouse. Brewer Oil Co. is committed to Las Cruces with our five retail Shell & Chevron branded convenience stores as well as the new commercial options on Congress Road.

3. Are there monetary considerations not as a whole, but relative to options available to meet the applicant's stated objectives when such options cause considerable monetary hardship under strict application of code provisions?

The additional ramp is estimated to cost \$15,000 - \$20,000, more than the actual re-model of the office spaces in the newly purchased warehouse. Brewer Oil purchased the adjacent warehouse to be able to affordably abandon an unsafe site next door. The additional ramp is very expensive, will impede daily operations and an alternative option is being presented in this proposal. The majority of our customers are delivered product directly to their farms and businesses - another accommodation that can be made.

BREWER

...Serving New Mexico

July 3, 2013

City of Las Cruces Planning & Zoning Committee
Request for Variance: Brewer Oil Co.

Dear Planning & Zoning Committee Members,

Brewer Oil Co. started in Artesia, NM in 1958 with one service station owned and operated by a husband and wife team, Don & Jean Brewer. Today Brewer Oil Co. operates 40 Shell and Chevron branded convenience stores statewide as well three large commercial warehouses that service farms, dairies, and commercial customers throughout the state of New Mexico with quality bulk lubricants and fuel. Expansion into the Las Cruces area occurred in 1985 when Brewer oil Co. added 5 Shell and Chevron branded convenience stores in the City of Las Cruces as well as a large commercial warehouse and bulk fueling site on Compress Road.

Currently Brewer Oil Co. is investing again into improving operations to serve the needs of our customers we serve in the City of Las Cruces and the surrounding areas. On the corner of Compress and Amador, Brewer Oil Co. is planning to start construction in September 2013 on a 1.5 million dollar commercial fueling site which will service commercial customers throughout the Las Cruces area. Brewer Oil Co. is also updating the warehouse operation located on Compress due to a safety issue; the old warehouse structurally isn't sound and can't be salvaged. In December 2012, Brewer Oil Co. purchased an adjacent warehouse on Compress for the sole purpose of abandoning the old and unsafe warehouse. This newly purchased adjacent warehouse needs re-modeling and is the site under discussion for the proposed variance.

Brewer Oil Co. is requesting a variance for the Brewer Oil Co. Warehouse re-model located at 202 Compress Road, Las Cruces, NM. During plan submission The Community Department has requested an additional parking space and an ADA ramp be installed at the location next to the loading dock. This additional 45' ramp will impede access to the main loading dock, greatly limit parking at the new warehouse and is an expensive additional item at a cost of \$15,000-\$20,000 to construct.

Brewer Oil Co. is requesting a variance be approved to use the existing ramp located at the site for ADA access and parking. The variance is from the required 27' driving lane. The additional 6' of back-up space can easily be achieved by reversing into the open bay door before exiting forward down the ramp. During normal operations, the bay doors remain open and the proposed back-up space is free of obstructions since it loading zone area. Adding an additional ramp to the location will limit access to the main semi-truck loading dock for the warehouse squeezing semi-trucks in between two large concrete ramps.

95% of Brewer Oil Co. commercial customers receive their purchases delivered directly by Brewer Oil Co. to their farm, dairy or commercial site. Most purchases are entire pallets, large 500 gallon bulk totes or 55 gallon drums. It is unusual to have a customer visit the warehouse directly to purchase and haul away product of that size.

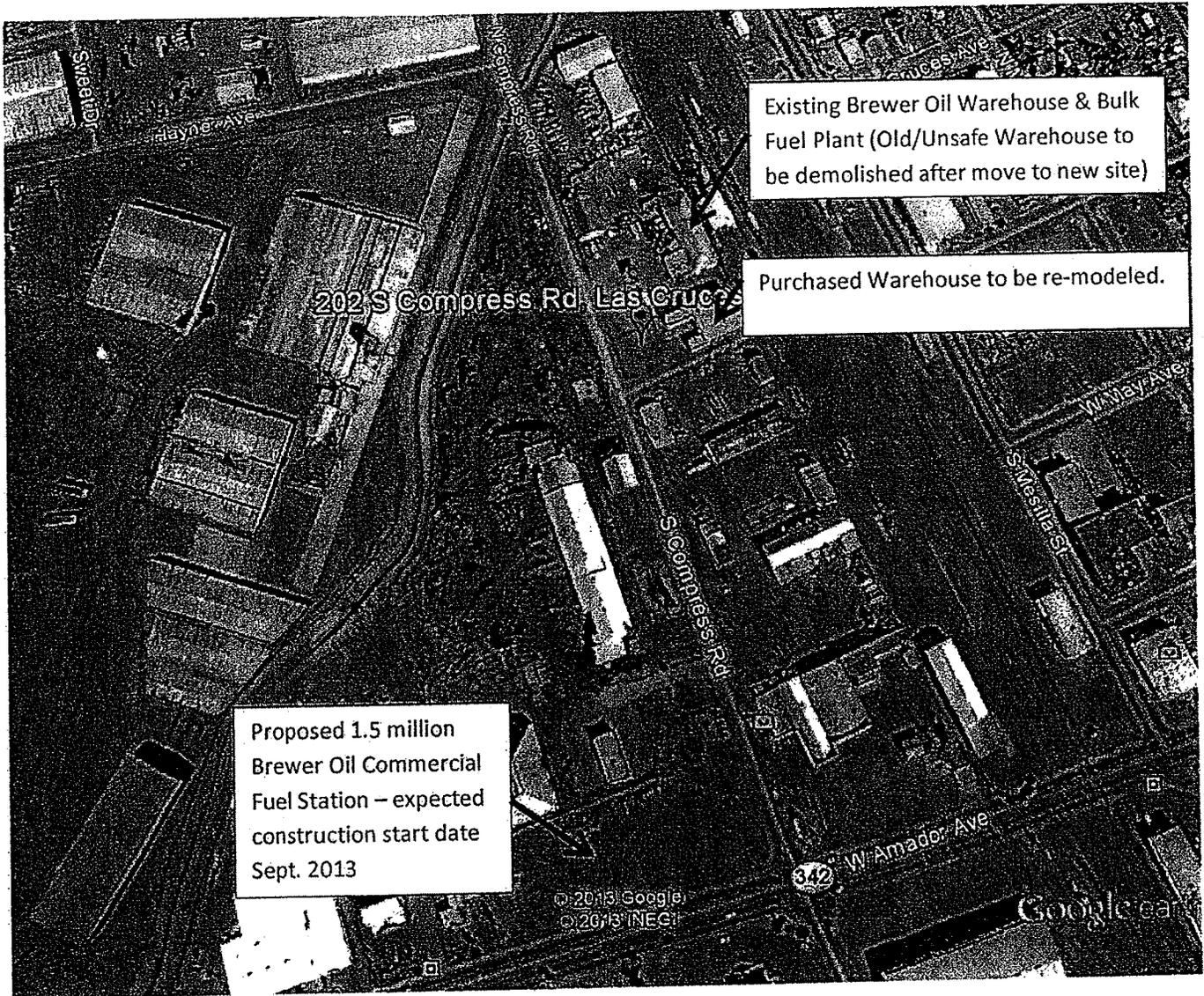
Please consider granting the variance needed to allow for optimal operation of the new warehouse.

Sincerely,

Brewer Oil Co.

Brewer Oil Co.

Las Cruces Commercial Operation



Existing Brewer Oil Warehouse & Bulk Fuel Plant (Old/Unsafe Warehouse to be demolished after move to new site)

Purchased Warehouse to be re-modeled.

Proposed 1.5 million Brewer Oil Commercial Fuel Station - expected construction start date Sept. 2013

202 S Compress Rd Las Cruces

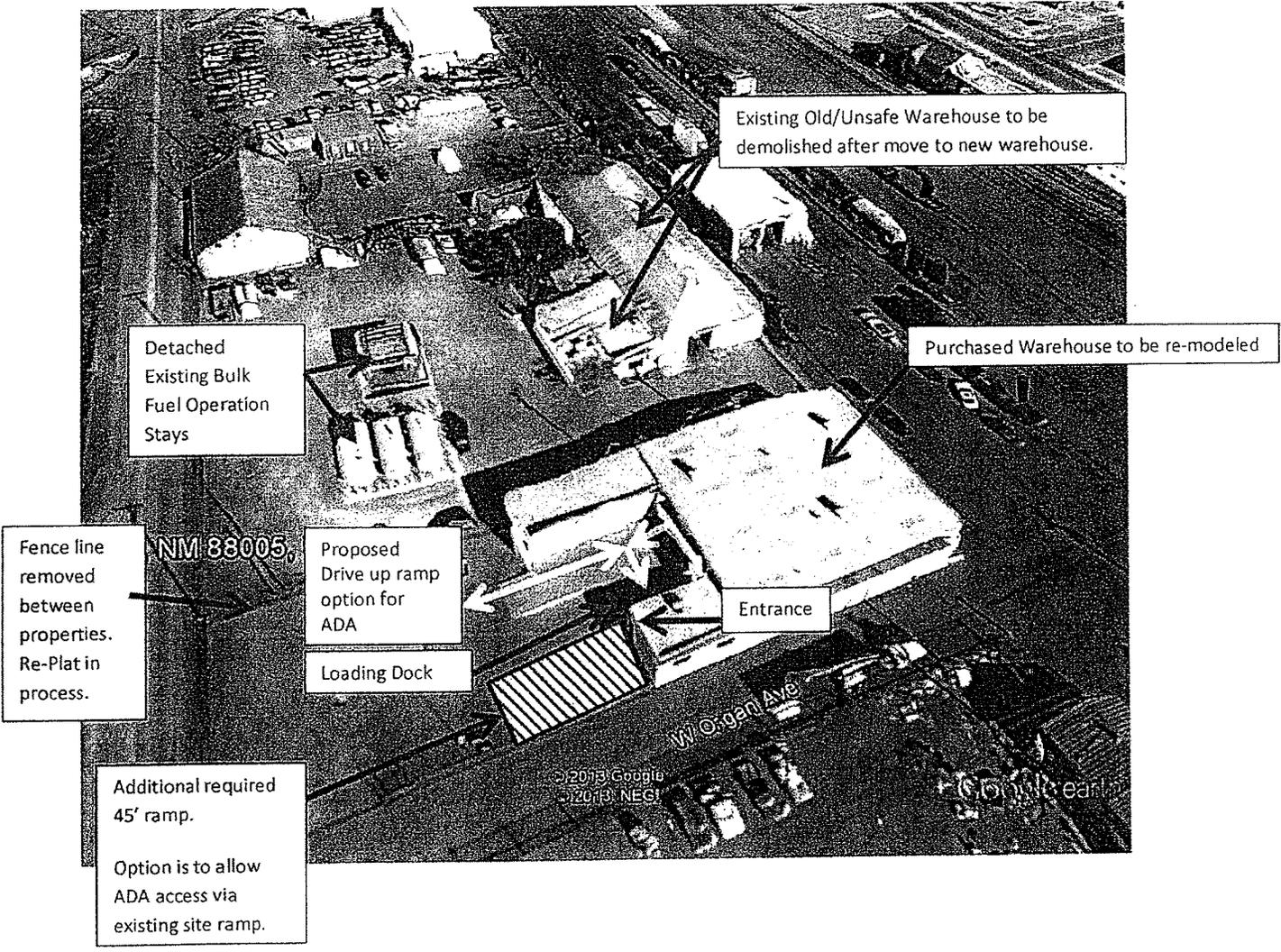
© 2013 Google
© 2013 INEGI

342 W Amador Ave

Google Earth

Brewer Oil Co.

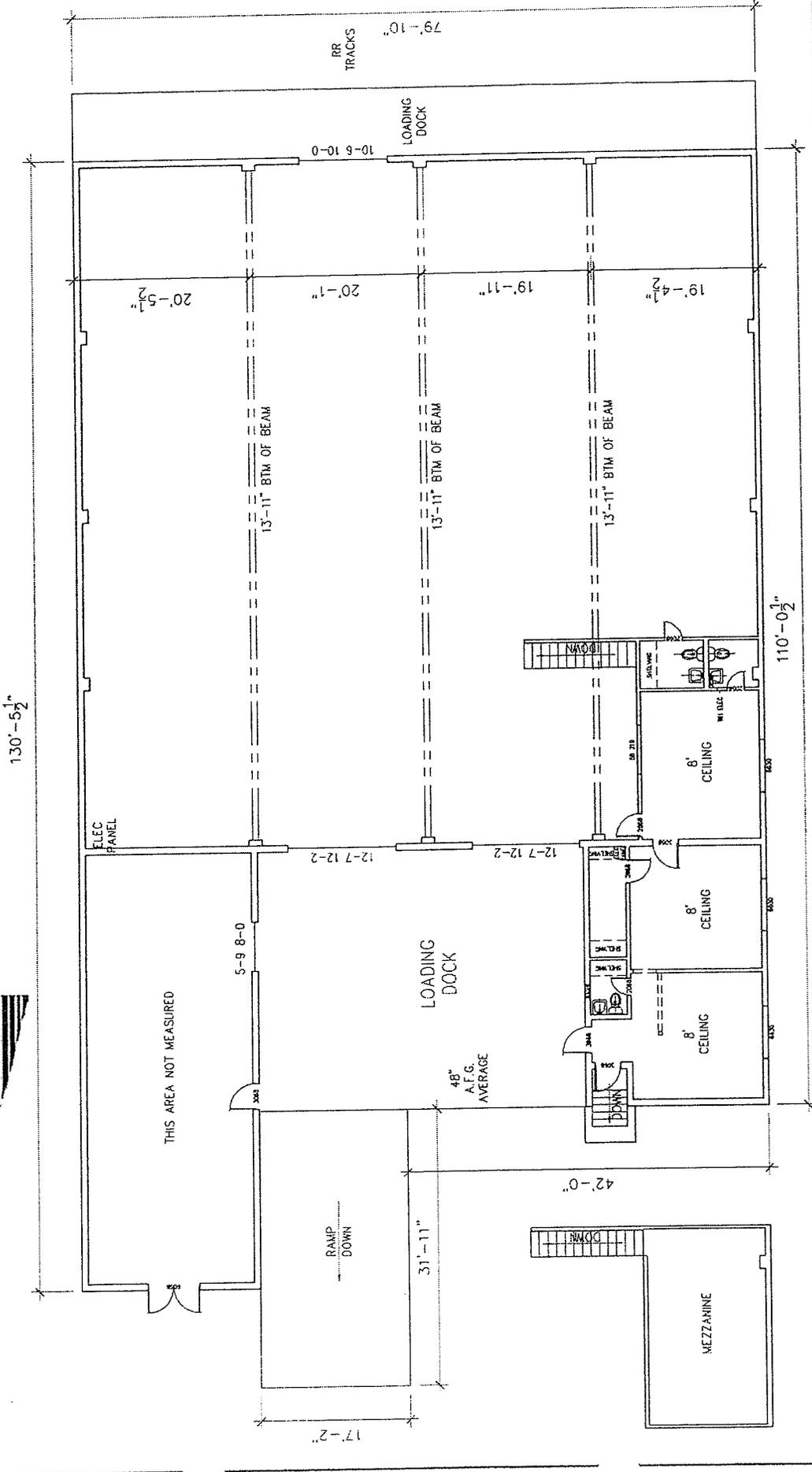
Warehouse Re-Model



EXISTING FLOOR PLAN

202 N. COMPRESS ROAD
LAS CRUCES, NM

BREWER
Serving New Mexico since 1958



WAVENUTTING AND ASSOCIATES
CONSTRUCTION PLAN PRODUCTION & COORDINATION

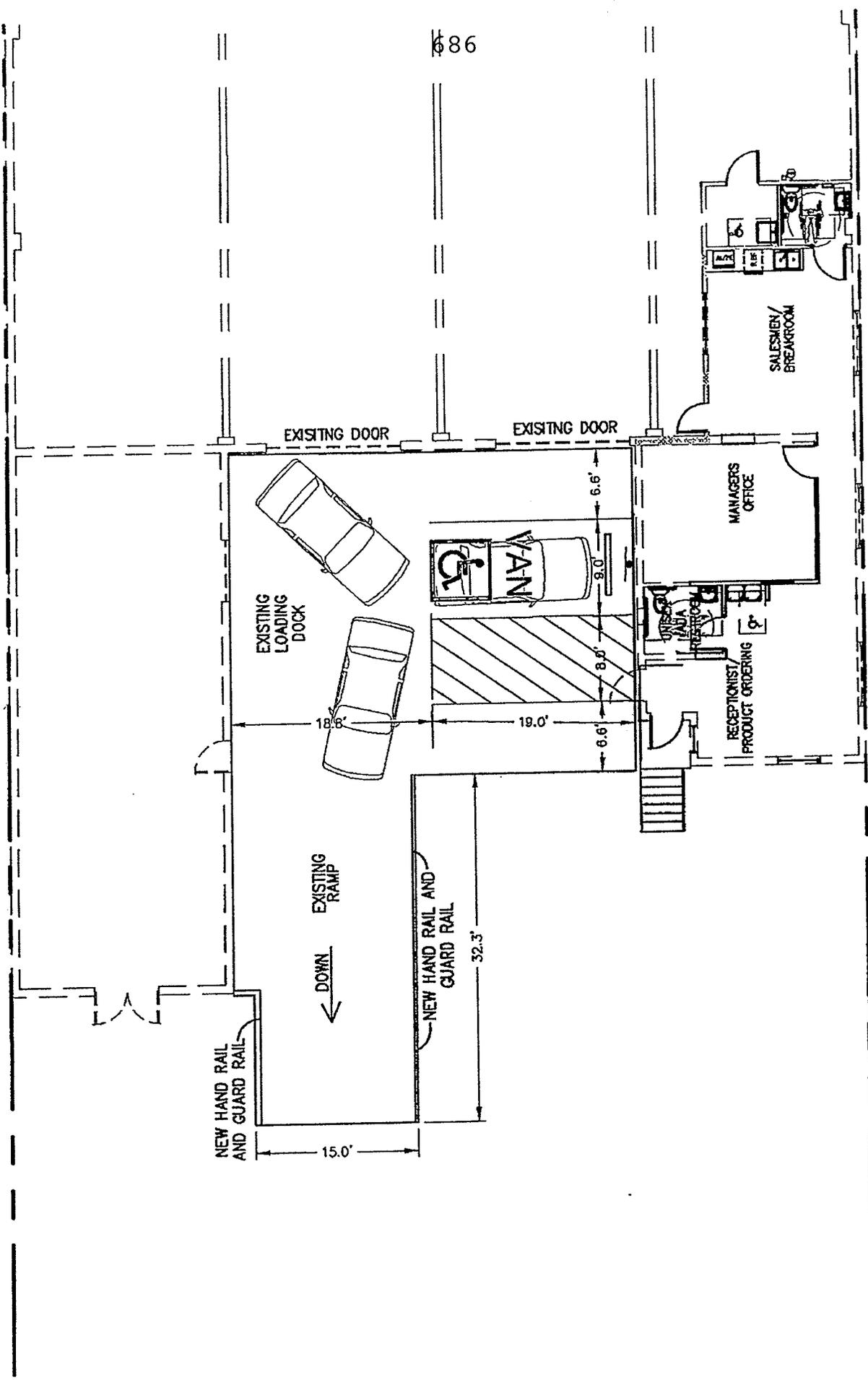
1615 S. Solano Dr.
Las Cruces, NM 88901
Office: (505) 541-5950
Fax: (505) 522-6666
Email: csm@wvup-techinc.com

EXISTING FLOOR PLAN

SCALE: 1/16" = 1'0"

2. 2013.12.02 10:40 AM DR. REVISED (1/16") (1/16") 3. 20 2013

86



EXISTING LOADING DOCK

EXISTING RAMP

DOWN

NEW HAND RAIL AND GUARD RAIL

NEW HAND RAIL AND GUARD RAIL

15.0'

32.3'

EXISTING LOADING DOCK

VAN

MANAGERS OFFICE

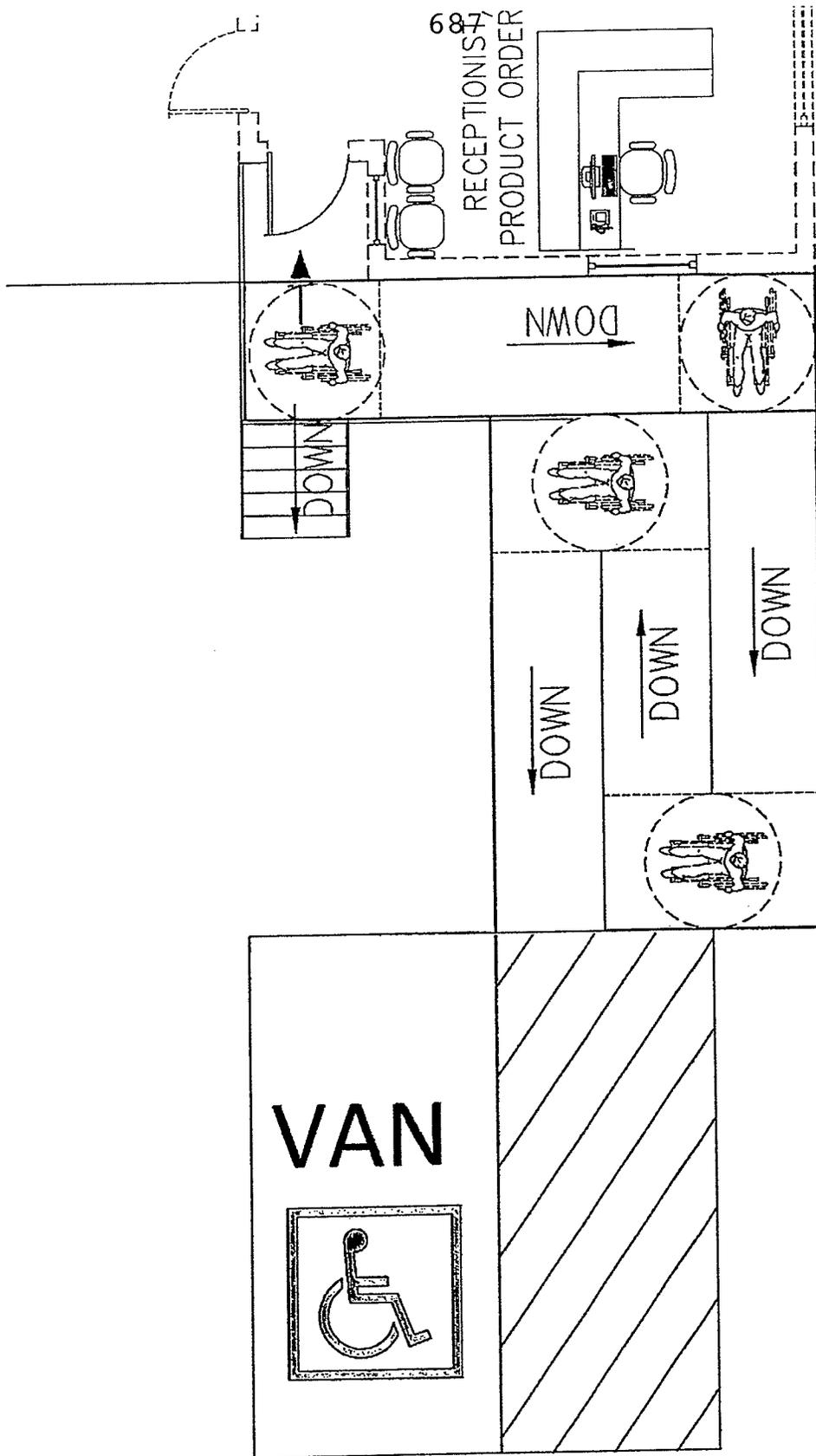
SALESMEN / BREAKROOM

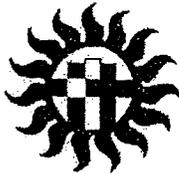
RECEPTIONIST / PRODUCT ORDERING

EXISTING DOOR

EXISTING DOOR

86





City of Las Cruces

PEOPLE HELPING PEOPLE

DATE: July 8, 2013

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: A1719 (Review No.1)

SUBJECT: 202^N Compress Road
Variance to the Required Driving/Back-up Aisle Width

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

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

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

Please review and return to the Community Development Department no later than **[July 15, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krugers@las-cruces.org.

APPROVED AS IS: YES

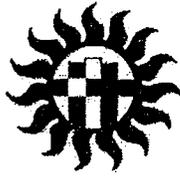
NO

APPROVED WITH CONDITIONS:

DATE: 7/11/13

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

- The proposed variance does not meet the requirement for a hardship.
- Staff sees issues with allowing parking on the dock considering the dock will still be utilized by the business.



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 8, 2013

TO: **WPO**

FROM: Adam Ochoa, Planner

CASE NO.: A1719 (Review No.1)

SUBJECT: 202^N Compress Road
Variance to the Required Driving/Back-up Aisle Width

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 KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE:

7/15/13

REVIEWER NAME:

Andrew Wang

REVIEWER CONTACT NO.:

5070

MPO REVIEW COMMENTS
 Planning and Zoning Commission Cases

Case #: A1719

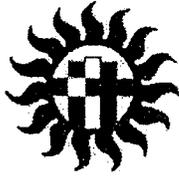
Date: July 8, 2013

Request: 202 Compress Road
 Variance to the Minimum Required Driving/Back-up
 Aisle Width

| MPO Thoroughfare | Dist. to Thor. | Functional Class | MTP Class | ROW Required | Dist. to Transit | AADT (year) | Current Bike Fac. | Planned Bike Fac. |
|------------------|----------------|------------------|-------------|--------------|------------------|--------------|-------------------|-------------------|
| Amador | 920' | | Princ. Art. | 120 | Route 80 | 14700 (2012) | Share the Road | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Recommended Conditions of Approval

Additional Comments



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 8, 2013

TO: ~~Engineering Services~~

FROM: Adam Ochoa, Planner

CASE NO.: A1719 (Review No.1)

SUBJECT: ^{N.} 202 Compress Road
Variance to the Required Driving/Back-up Aisle Width

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 KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS:

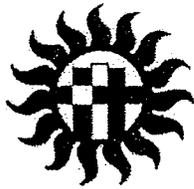
YES

NO

APPROVED WITH CONDITIONS:

DATE: 7/16/13

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



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Case Review Sheet

To: Engineering Services

Case #: A4719

Date: July 8, 2013

Request: 202 Compress Road
Variance to the Minimum Required Driving/Back-up Aisle Width

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 _____ | N/A <input checked="" type="checkbox"/> |
| Drainage Study needed | YES _____ | NO _____ | N/A <input checked="" type="checkbox"/> |
| 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: July 8, 2013

TO: ~~Traffic~~

FROM: Adam Ochoa, Planner

RECEIVED

CASE NO.: A1719 (Review No.1)

JUL 09 2013

SUBJECT: ^N
202 Compress Road
Variance to the Required Driving/Back-up Aisle Width

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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Please review and return to the Community Development Department no later than [July 15, 2013].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

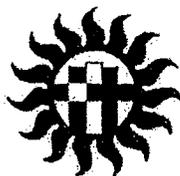
APPROVED AS IS: YES NO N/A

APPROVED WITH CONDITIONS:

DATE: 7/13/13

REVIEWER NAME: K. E. [Signature]
REVIEWER CONTACT NO. 2781

*Per Adam Ochoa and CC Policy
#traffic does not review private property issues.*



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 8, 2013
TO: ~~Land Management~~
FROM: Adam Ochoa, Planner
CASE NO.: A1719 (Review No.1)
SUBJECT: 202^N Compress Road
Variance to the Required Driving/Back-up Aisle Width

RECEIVED
JUL 09 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.

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

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

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IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krugers@las-cruces.org.

APPROVED AS IS:

YES

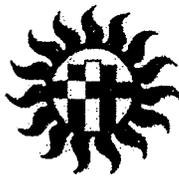
NO

APPROVED WITH CONDITIONS:

DATE: 7-10-13

REVIEWER NAME: B.R. HAMM

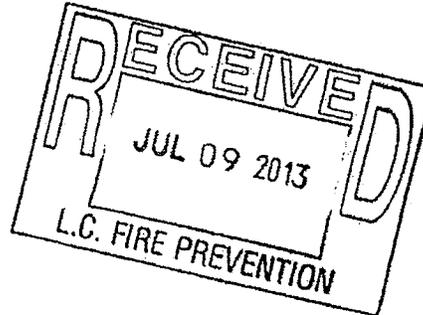
REVIEWER CONTACT NO. 528-3410



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 8, 2013
TO: ~~Fire~~
FROM: Adam Ochoa, Planner
CASE NO.: A1719 (Review No.1)
SUBJECT: 202 ^NCompress Road
Variance to the Required Driving/Back-up Aisle Width



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

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

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

Please review and return to the Community Development Department no later than **[July 15, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

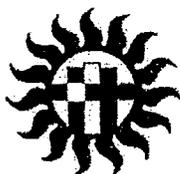
APPROVED WITH CONDITIONS:

DATE: 7/10/13

REVIEWER NAME: *MD*

REVIEWER CONTACT NO. X4150

Not available in Munis



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: July 8, 2013

TO: ~~Utilities~~

FROM: Adam Ochoa, Planner

CASE NO.: A1719 (Review No.1)

SUBJECT: 202 Compress Road
Variance to the Required Driving/Back-up Aisle Width

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 **[July 15, 2013]**.

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 07/15/13

REVIEWER NAME: *John Reid*
REVIEWER CONTACT NO. 528-3635

This is conditional approval. The Utilities Department will support the decision of the other City Departments.

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: A1719 DATE: 07/15/13

REQUEST:

WATER AVAILABILITY & CAPACITY:*

Water Provider:

CLC

Other _____

CLC Water System capable of handling increased usage:

Yes _____

No _____

Comment NA

WASTEWATER AVAILABILITY & CAPACITY:*

Wastewater service type:

CLC Sewer:

On-lot septic _____

CLC Wastewater System capable of handling increased usage:

Yes _____

No _____

Comment NA

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces

Other _____

CLC Gas System capable of handling increased usage:

Yes _____

No _____

Comment NA

*** 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
August 27, 2013 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
Charles Beard, Secretary
Charles Scholz, Member
Ray Shipley, Member
Joanne Ferrary, Member
Ruben Alvarado, Member

BOARD MEMBERS ABSENT:

William Stowe, Vice Chair

STAFF PRESENT:

Adam Ochoa CLC, Planner
Susana Montana, CLC, Planner
Ezekiel Guza, CLC, Associate Planner
Robert Cabello, CLC, Legal Department
Bonnie Ennis, CLC, Recording Secretary

I. CALL TO ORDER (6:00)

Crane: Good evening, ladies and gentlemen. It's six o'clock and this meeting of the Planning and Zoning Commission of the City of Las Cruces is called to order. We'll start, as we usually do, by introducing the Commissioners you see before you starting at my far right: Commissioner Shipley, who represents District 6 and coming in here in the colorful jacket is Commissioner Ferrary, who is not late. She was here earlier but she went to get something in her cup and she represents District 5; and Charles Scholz is the Mayor's appointee; and our new member, Ruben Alvarado, who has had many years' experience on boards and commissions for the City of Las Cruces and the surrounding area. He is representing District 3; and Charles Beard, our Secretary, is representing District 2. I'm Godfrey Crane, the Chair, 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.

- 1
2 Alvarado: Based on the recommendations of staff and the discussion here I vote yes
3 to approve.
4
5 Crane: Thank you. Mr. Scholz.
6
7 Scholz: Aye, findings and site visit.
8
9 Crane: Ms. Ferrary.
10
11 Ferrary: Aye for findings and discussion.
12
13 Crane: And Mr. Shipley.
14
15 Shipley: Aye, findings, discussion and site visit.
16
17 Crane: And the Chair votes aye based on findings, discussion and site visit and it
18 passes 6 – 0. Thank you.
19
20 ★ 1. **Case A1719:** Application of Brewer Oil Company to vary nine (9) feet from
21 the minimum required 27-foot wide back-up/driving aisle. The applicant is
22 proposing to provide an 18-foot wide back-up/driving aisle for a new ADA-
23 accessible parking area on the subject property. The subject property
24 encompasses 0.454 ± acres, is zoned M-1/M-2 (Industrial Standard) and is
25 located on the east side of North Compress Road, 900 ± feet north of its
26 intersection with West Amador Avenue; a.k.a. 202 N. Compress Road; Parcel
27 ID#: 02-02475; Proposed Use: Commercial warehouse storing bulk
28 commercial lubricants. Council District 4 (Councillor Small).
29
30 Crane: Our next item is the original first item of new business, Case A1719:
31 Application of Brewer Oil Company for a variation of the minimum required
32 back-up/driving aisle for an ADA-accessible ramp on some construction I
33 have in my Mr. Ochoa.
34
35 Ochoa: Thank you, Mr. Chairman, the third case tonight is Case A1719. This is a
36 request to vary from the minimum required driving and back-up with
37 requirement for a commercial parking area proposed for property located
38 at 202 North Compress Road.
39 Shown here on the vicinity map, highlighted with the stripes, the
40 subject property is located on the east side of Compress Road here, right
41 west of what is the railroad there, just to give you a rough idea of where
42 we're speaking about. Looking a little closer here, the property is zoned
43 M-1/M-2 in an area which is nothing but M-1/M-2 or aka Industrial
44 Standard.
45 The code requirement you're looking at tonight under the 2001
46 Zoning Code is Article 6, Section 38-58D, which stipulates and regulates

1 the size of parking stalls and driving aisles for commercial parking lots or
2 parking areas. The applicant is proposing to install a 90 degree parking
3 stall, so that is what we're looking at. A 90 degree parking stall is required
4 to provide the width of two-way aisle to be a minimum of 27-feet, so that is
5 the variance that they are requesting tonight.

6 As stated before, the subject property is located on the east side of
7 North Compress Road, roughly 900-feet north of its intersection with West
8 Amador Avenue. The subject property encompasses a little under half-an-
9 acre in size and is zoned Industrial Standard or M1/M2. The subject
10 property is currently an existing vacant commercial warehouse.

11 The applicant, which owned the property to the north, which I'll
12 show you on the next slide, are looking to move into this warehouse and
13 do a little revamping of the building and utilize the warehouse for storing
14 bulk commercial lubricants and fuel and running a commercial business
15 out of there. Minimum requirements do require the applicant to provide
16 one ADA compliant parking stall for the property. To meet the ADA access
17 requirement from the actual ADA parking stall into the building the
18 applicant is seeking to install the ADA parking stall on an existing loading
19 dock of the warehouse. The new driving area that would be created on
20 this dock is required to have a minimum 27-foot wide driving/back-up
21 aisle. They are proposing to vary 9-feet from that requirement, essentially
22 making that two-way driving aisle 18-feet or 18.8-feet; just that we
23 rounded down to make it a round number of 9-feet of a variance.

24 Shown here in the aerial you can see a little better where that
25 warehouse is that we were speaking about and the actual docking area
26 that the applicant is proposing for the parking area. Shown again here, this
27 is their existing warehouse, an old unsafe warehouse they will be moving
28 out of and demolishing soon, I believe, and moving into this warehouse
29 where they are remodeling certain aspects of it. Again, because all they
30 need to do is provide a minimum of parking on there they are only
31 required to provide one ADA parking stall for the commercial business and
32 they are proposing to locate it here on the existing dock of that building.
33 Shown here again, kind from the street view of what that area would look
34 like.

35 Moving on this is what they are proposing that it would look like
36 having the minimum 9-foot wide, 19-foot deep ADA parking stall, of
37 course, accessible parking stall, with the required lined loading and
38 unloading zone adjacent to it. But, of course, the only issue we are
39 looking at tonight for the variance is to the minimum driving aisle width;
40 that two-way driving aisle width, of course, it is showing that it is going
41 down but, of course, they would have to access this parking stall as well
42 so it is a two-way driving aisle, 9-feet minus the minimum required by
43 Code.

44 Your criteria tonight, ladies and gentlemen, for variances to, I
45 guess, base your decision on would be: one, is a physical hardship
46 relative to the property, some type of topographical constraints or right-of-

1 way take resulting in reduction of the actual developable area. It would be
 2 one way to take a look at approving this variance. Another one is the
 3 potential for spurring economic development at a neighborhood or city-
 4 wide level if requested allowances are granted and third, lastly but not
 5 seen as a whole, is the monetary consideration where it's relative to the
 6 options available to meet the applicant's stated objective when such
 7 options cause considerable monetary hardship under the strict application
 8 of the Code; in other words, if it is so expensive for the applicant to follow
 9 the Code that is another possibility to approve this by.

10 While staff has no major issues with the proposed variance it is the
 11 standard that is required by Code that that 20-some-foot driving aisle is
 12 required. Staff, unfortunately, cannot find a basis for granting the variance
 13 based upon tonight, which is why we're here tonight; but based on the
 14 criteria outlined in Section 38-10J of the 2001 Zoning Code. With that,
 15 staff does recommend denial based on the findings stipulated in your staff
 16 reports.

17 Your options tonight, ladies and gentlemen, are: 1) to approve the
 18 variance request; 2) to approve the variance request with conditions
 19 determined appropriate by the Planning and Zoning Commission; 3) deny
 20 the variance request as recommended by staff, or 4) table/postpone.

21 Just as an addition to this, we did receive a couple of phone calls
 22 from adjacent property owners. I received letters and they saw no issue
 23 with the variance considering: one, stating that, "They are not doing
 24 anything to the building so what's the big deal?" That's exactly what he
 25 stated; and the second simply stating that it's a welcome redevelopment to
 26 the area that he has invested in his property. That is the end of my
 27 presentation. If you have any questions, I stand for questions and the
 28 applicant is here as well. I believe they have a presentation as well for
 29 you, sir.

30
 31 Crane: Thank you, Mr. Ochoa. I'm at fault here for not having outlined to the
 32 public what the process is before you've seen it or handling new business
 33 items as opposed to consent agenda items. As you've seen, Community
 34 Development makes a presentation on a particular matter then we ask
 35 questions of that person and then we open up to the public for public input
 36 and we can ask the public for some question and...Mr. Scholz.

37
 38 Scholz: I think the applicant comes second, doesn't he, sir?

39
 40 Crane: Yes, I thought I'd left something out. Yes, the applicant comes second and
 41 makes a presentation. We ask questions if we have them then finally, the
 42 public. When there's no further public input then we close discussion and
 43 decide what we are going to do. Okay, that having been said, does
 44 anybody have any questions of Mr. Ochoa? I have one: it would be legal
 45 and not counter to federal ADA legislation for us to approve this if we
 46 chose?

1
2 Ochoa: Mr. Chairman, yes, sir, that is correct.
3
4 Crane: Okay. Thank you.
5
6 Ochoa: If I may embellish, the ADA requirement is not what's in question today.
7 It's the City requirement for that minimum 27-foot wide driving aisle. If they
8 get the variance approved for that their parking area would be fine, sir.
9
10 Crane: Uh-huh. And we're talking about the width of the ramp. Right?
11
12 Ochoa: Yes, sir, the driving aisle, sir.
13
14 Crane: Thank you. Commissioner Ferrary.
15
16 Ferrary: Yes, I'm still somewhat confused by... the van would go right next to the
17 ramp that's existing if this was approved as it is and then the person would
18 have enough room to exit their vehicle and then they would have to
19 approach the building by ramp that's already there?
20
21 Ochoa: Mr. Chairman, Commissioner Ferrary, what they are proposing here is this
22 is the actual parking stall with the curb stop; so the people would park
23 here, use this area as their loading/unloading area so this is flat still, it's
24 just painted and they would access the building here. There's actually a
25 door here, I believe, where they can access that building, have direct ADA
26 access to that building on top of the dock itself.
27
28 Ferrary: How would the person get to that level? Because when I by it looked by it
29 looked like it was kind of elevated.
30
31 Ochoa: That is correct. The person would essentially drive up this ramp, park up
32 here right next to what would be that striped loading and unloading zone
33 and there is a door here. You can't see it from my photo or from the aerial
34 but there is a door up here on the ramp that they would have access to
35 that.
36
37 Ferrary: So they would be parking on a ramp?
38
39 Ochoa: The parking would be accessed from the ramp on the loading dock. Right
40 here in this area is where the parking would be. The ramp would be
41 essentially their driving aisle to get to that parking area.
42
43 Ferrary: So they would be on an elevated parking. You can't exit a van that's on a
44 ramp.
45
46 Ochoa: It's all elevated. The entire parking area is elevated...

1
2 Ferrary: Okay.
3
4 Ochoa: ... and it's next to the door that's also elevated at level with that loading
5 dock there.
6
7 Ferrary: Okay. Now I understand. Thank you.
8
9 Ochoa: Yes, ma'am.
10
11 Crane: Any other questions of Mr. Ochoa? Is the applicant present? Come up
12 and identify yourself, please, sir, and be sworn in.
13
14 Lamberth: My name is Jay Lamberth and I am the Vice-President and Chief Financial
15 Officer for Brewer Oil Company.
16
17 Crane: Mr. Lamberth, do you solemnly swear that the statement you are about
18 make is the truth under penalty of law?
19
20 Lamberth: I do so help me God.
21
22 Crane: Thank you.
23
24 Lamberth: I am going to start by thanking you for this opportunity. I feel like my job
25 today is going to be to explain our business maybe a little better than we
26 could on a form and give you some examples of what we foresee and our
27 solution. I want to start by commending this beautiful city. It's been a
28 couple of years since I was in Las Cruces and my wife and I drove up this
29 afternoon and it's obvious that you guys are doing a fantastic job and I
30 totally understand Mr. Ochoa and his staff in their assessment of where
31 we are right now today with this and that's what I am going to try to
32 address. My job is gonna be to try to explain our business a little bit better
33 to help you guys make a decision.
34 As they pointed out in their assessment of this, there's two problem
35 areas: one is that the proposed branch does not meet the requirement for
36 a hardship and the second one is that the staff has issues allowing parking
37 on the dock considering the dock will be utilized by the business and that's
38 totally understandable. I can imagine an Auto Zone or something like that
39 where people are going all the time. That would not be a good solution.
40 So, based on that, if you'll bear with me I'm going to give you a little
41 information about Brewer Oil Company and what we're about and I think it
42 may make some difference.
43 We've been a New Mexico Corporation since 1973. We have three
44 commercial warehouse operations similar to this one. We have one in
45 Artesia, New Mexico, another one in Albuquerque and they're all very
46 similar operations and similar in size. We also have 37 retail convenience

1 stores scattered throughout the state. We employ 487 people all in New
2 Mexico. A hundred percent of our business is New Mexico.

3 In Las Cruces we pay \$13 million of wages every year. The local
4 multiplier effect... now all I'm doing here is giving you an idea of kind of
5 the volume of what we're talking about. That \$13 million based on
6 conservative economic estimates will generate about \$65 million worth of
7 economy for Las Cruces. We have \$110 million worth of commercial
8 sales statewide every year and that doesn't include the convenience
9 stores. That's just our warehouse operation. We estimate conservatively
10 that less than 1,000th of 1% of our customers at these commercial facilities
11 are disabled customers. Now I'm not belittling that at all. We want to make
12 it as easy for customers to do business and do it safely, but at the same
13 time the traffic is going to be at a minimum.

14 This is that same drawing that Mr. Ochoa showed you earlier and
15 this is on page 12 of the application that we sent. As you can see, the
16 ramp, the existing ramp is here and the access would be at this level and
17 then there's an overhead door at this level. I'm gonna show you guys in a
18 little bit why we don't consider that to be a problem and it has to do with
19 our operation and the way we conduct our business.

20 This is not as pretty a picture as Mr. Ochoa had but this shows the
21 area where the proposed... this is Plan B, an alternative ramp would be
22 involved and, as you can see, that is definitely...it is not a monetary
23 hardship but it would be an operational hardship to have to navigate that
24 with delivery trucks and that kind of thing. That's page 10 of your
25 application.

26 Now this is a little bit different photograph but it's similar to the one
27 that Mr. Ochoa had and a couple of things I wanted to point out about our
28 proposed... This is the existing ramp. This is a loading dock and typically
29 we have very little walk-in business at these facilities. It's a commercial
30 warehouse. Our drivers are loading their trucks early in the morning. They
31 come in at seven o'clock, most of them. They load oil in the truck and
32 they're out on deliveries all day and we obviously have a couple of folks
33 that are staying with the warehouse to unload products coming in and that
34 kind of thing. But it's not really intended to be a walk-in kind of thing at all.
35 It's a facility for us to make deliveries to our customers. We keep the
36 doors open and we're installing a total of seven cameras so that we can
37 monitor not only the warehouse and the ramp area but we also have a fuel
38 area off to the left hand side that you can't really see and we're going to
39 monitor that from this same building.

40 Our deliveries are about every couple of weeks. We'll have a
41 delivery semi back up to this dock. They're not going to be up on the
42 ramp. They're going to be backed up to this dock area right here so that
43 ramp and everything would still be open at that point and probably 95% of
44 our vehicles that we're loading for deliveries are going to utilize the dock
45 as well. We have very few that are backing up onto the ramp, maybe a
46 small pickup or something if we have a salesman that needed to deliver a

1 couple of cases to a customer real quickly they might back their pickup up
2 there and throw them in but that doesn't happen very often. So my point
3 is: the type of our business is a little different and I hope that we're not
4 thinking of it as being a commercial thing where customers are coming
5 and going all day long. It doesn't really happen that way.

6 Now, I hope this doesn't bore you and I did a little bit of research
7 myself and looked at the website for the federal ADA website and there
8 are several questions and answers on there that really kind of struck home
9 for me and I'm gonna run through these real quickly but I don't expect... I
10 know this is probably stuff that you guys already are aware of and very
11 familiar with but the limitations that they talk about for barrier removal and
12 the barrier in this case is the sufficient ADA parking: how do we mitigate
13 that? Basically, to me it says it needs to be 'readily achievable.' "Readily
14 achievable" means without much difficulty or expense: examples of
15 modifications that are listed: simple ramping of the few steps, installation
16 of grab bars where there's no reinforcement or routine reinforcement
17 required, lowering of telephones, that kind of thing, which we understand
18 and we totally support that.

19 We even considered installing some type of an elevator and if that
20 can be done... it'll just say, is readily achievable but it's unlikely in most
21 cases and that's kind of the conclusion we came up with. The barrier
22 removal is not readily achievable, what kinds of alternative steps are
23 required? Alternatives... I thought this was interesting. Alternatives
24 include such measures as in-store assistance or for removing articles from
25 inaccessible shelves, home delivery of groceries, dry cleaning, that kind of
26 thing meeting people at the door. But those are alternatives and I know
27 you guys are very familiar with this. You deal with it all the time. The
28 alternative steps must be taken... again, readily achievable alternative
29 steps must be undertaken.

30 So what I'm hoping to show here again, this commercial warehouse
31 facility we deal with oil and we don't sell it by the quart. It's sold by case so
32 a case of oil, as you know it's a little bigger than a bread box. It's kind of
33 bulky. It's square and it weighs 22 ½ pounds. We also sell 5 gallon pails of
34 oil, which is a big bucket, kind of like a feed bucket and it's 37 ½ pounds.
35 We sell 55 gallon drums of oil at 412 ½ pounds and then we also sell what
36 we call a tote. It's a 330 gallon tote of oil and it's a little over a ton. Now
37 obviously our personnel have to be very adept and trained at handling
38 these kinds of volumes in this kind of way. In fact, one of the owners told
39 me the other day, he said he handled so much oil when he was younger in
40 drums he was surprised he had all of his fingers. But that's the kind of
41 environment we have there and so consequently, what I'm saying is: our
42 customers don't go back in the warehouse and they're not carting out
43 barrels of oil and cases of oil. We do all of that for them. In fact, we load
44 every case, pail, drum and tote of oil into all of our customers' vehicles,
45 not just disabled folks. We do them all and there's a lot of reasons for that.

1 We want to make sure that it's done safely and we have people that are
2 trained to deal with that.

3 Given that, what do we do if a disabled person comes up and wants
4 to buy some oil for their car? We have six locations... basically it says:
5 "customers purchasing 1 to 6 quarts of oil can choose from one of five
6 convenient locations in Las Cruces" and they all have ADA accessibility.
7 So in the event that there's a misunderstanding and someone needs to
8 buy some oil for an oil change we can send them to one of five places to
9 get that done and we're going to have everybody trained to do that.

10 I think, if we really think this through, the hardship would be trying
11 to determine some kind of alternative, like a 40-foot long ramp or
12 something of that nature when I don't think our customers are going to be
13 utilizing that at all. If they do it's going to be tiny, tiny. We're gonna have
14 the cameras. We'll know when someone pulls into a handicap area and
15 we can help them and the dock... yeah, we're going to use it in our
16 business all right but it's going to be at 7 in the morning and late in the
17 afternoon. It's not going to be during the day when customers are typically
18 coming by to buy their oil.

19 What I would propose to you tonight is rethink this, let's approve it
20 and we will put an ADA parking ... let me back up here... and this just
21 occurred to me this evening. I'd be more than happy to put ADA parking
22 right here. I'll have a camera trained on that area and our personnel inside
23 the office will see when anybody pulls in ADA parking and they will
24 immediately go out and assist them right there on the spot. More than
25 likely we're going to send them to another location for their 6 quarts of oil
26 but if not, we'll be able to help them from that standpoint. I think that
27 solution is safer for the disabled person and it certainly mitigates any kind
28 of hardship that we would have of some kind of an alternative there. Any
29 questions?

30
31 Crane: Any questions for Mr. Lamberth? Commissioner Shipley.

32
33 Shipley: Thank you very much for your presentation and leaving that picture you
34 have right there I've got a couple comments.

35
36 Lamberth: All righty.

37
38 Shipley: Number one: I think your last suggestion is probably a very good
39 suggestion. I would go one step further and put a phone or something out
40 there so that in the event that somebody's back in the warehouse and not
41 up there where the camera is, is the phone can ring and they can get
42 access that way.

43
44 Lamberth: If I might interject real quick while it's still on my mind: all of our
45 convenience stores at the gas pumps, we have a button for that very
46 thing. If a disabled person needs help they push the button and we come

1 out and help them and I had already thought about doing something of
2 that nature just as an extra step.
3
4 Shipley: Okay. That was just one suggestion. But the other thing is looking at the
5 picture you provided here, you've got a truck up there that's using the
6 dock the way you've got it laid out now; in other words, they drive up, the
7 right hand turn, the parking and that. That's parking on your loading dock
8 and you've got a forklift up there loading pallets into a truck or out of a
9 truck that's not accessible so you have just eliminated your one handicap
10 parking place, which is in violation of the ADA requirement.
11
12 Lamberth: True.
13
14 Shipley: Second thing is: that truck is a pretty good size truck. It's pulled in, now it
15 has to back down and you've got no ramp, you've got no protection over
16 there so you've got an accident waiting to happen if it jars and falls over
17 on its right side going back down that ramp.
18
19 Lamberth: This particular picture was a prior owner and that's his truck.
20
21 Shipley: I understand. You're inheriting this...
22
23 Lamberth: Yes, I am.
24
25 Shipley: ... facility and, therefore, what you see here is an accident waiting to
26 happen and your insurance rates are waiting to go that direction.
27
28 Lamberth: Believe me, they're telling us step by step what needs to be done. Yes,
29 they are.
30
31 Shipley: I understand. The loading dock area, I think, is not a good place for that
32 ramp; in other words, I personally don't think that this is a solution. I think
33 your other point might be a solution but I'm not a technician that can tell
34 you that that's ADA compliant because if somebody needs to get into the
35 building, you know, they may be on crutches.
36
37 Lamberth: Um-hmm.
38
39 Shipley: They may have had an operation or they may have sprained an ankle or
40 whatever and they can't traverse the steps that go there. That's why ADA
41 says that all buildings where customers can go, whether it's commercial or
42 retail or whatever, has to be ADA compliant. That's why we put curb cuts
43 in now with all that stuff.
44
45 Lamberth: Right.
46

- 1 Shipley: It's not about how many people. If there's one we have to prepare for that.
2
- 3 Lamberth: Okay.
4
- 5 Shipley: So, in my opinion, the 90 degree turn at the top of the ramp the parking is
6 a no go because that's a loading dock there. That's a working area. That's
7 what that building is meant to be and I would, in most cases, get rid of that
8 ramp and make it a full loading dock so that people pull up there and you
9 get something to put it in. That's not safe as I see it. But I do think,
10 though, the suggestion about putting the ADA accessible parking space
11 lower and helping them, having somebody come may be a solution. But I
12 think that's a question for Legal and some other folks to see about that.
13 That's not for us to decide right now. Thank you, though, for your
14 presentation.
15
- 16 Lamberth: Thank you.
17
- 18 Shipley: Anyone else? Commissioner Ferrary.
19
- 20 Ferrary: I also have concerns like if they were to have to drive in as first proposed
21 and what if they were in an extended pickup truck and not able to
22 maneuver their exit and turn around. But then also your idea of having
23 someone just pull up and then, you know, a phone or something to make
24 sure that someone came out, I don't think that's to the idea of what ADA
25 accommodations are because a person would not be able to go and
26 choose what products they wanted to buy. And then also how would they
27 make payment? You would have to take their credit card or make different
28 accommodations in that way also. So I am not sure how this is all going to
29 work.
30
- 31 Lamberth: Well, that's a very good concern. Believe me, we've thought a lot about
32 that but we don't allow any customers in the warehouse to begin with, I
33 mean, they don't go in and pick out their oil like they would at an Auto
34 Zone or someplace like that. This is really a facility to store commercial
35 products out of the elements and we have a sales counter where
36 someone can come in and buy a case of oil or even a drum of oil and it
37 may be somebody we don't even know; but they're not typically walking
38 around the warehouse and looking at things. It's a little bit different
39 environment, ma'am.
40
- 41 Ferrary: But they still would not then have access to your counter.
42
- 43 Lamberth: In that case of having someone come and help them, no, they wouldn't.
44
- 45 Ferrary: Thank you.
46

- 1 Crane: I have a couple of points from what Commissioner Ferrary brought up:
2 isn't this rather parallel to what you mentioned at a gas pump where you
3 can push a button to have somebody come out and serve you? If you had
4 a button on stand there suitably protected from other traffic, an individual
5 could drive up, push the button for service.
6
- 7 Lamberth: Yes.
8
- 9 Crane: We also have that at ATMs. It's not quite the same thing as seeing the
10 stuff lined up as in an ATM screen or at a gas pump but I think it meets the
11 need; though, of course, it may not be exactly what ADA requires. I have a
12 question about where this ramp expansion would go that you say would
13 cost you \$15 to \$20 thousand to build to meet the City's requirements.
14 Would it be a widening of the one that's up there?
15
- 16 Lamberth: Actually, what we had determined was in front of this area here where the
17 door is that it would have to be 4-feet high to access this door and then it
18 would come out approximately 40-feet in front of the building here and the
19 parking would be across this way and then the ramp would either be kind
20 of a switchback affair or something that went around the perimeter to
21 allow... Nevertheless, it's about a 40-foot long....
22
- 23 Crane: It would be not a ramp for vehicle, a street vehicle. It would be a ramp for
24 wheelchair.
25
- 26 Lamberth: Yes. Yes.
27
- 28 Crane: I see. I'll also have the comment that to have three-point turn that you
29 think people making after they've parked up where that truck is, that box
30 truck in the picture; it's a little tricky to make and I'm sure that some
31 people that are disabled do not have quite the control of a vehicle for
32 making maneuvers like that, but those are suppressed with older faculties
33 have. I like the idea of, if the City would accept it, and I was just about to
34 ask Mr. Ochoa what the City thinks of your Plan B, or Plan C, to have a
35 parking place and a place where somebody can come down and wait on
36 them. Mr. Ochoa, can you (Inaudible)? Would that be acceptable to the
37 City?
38
- 39 Ochoa: Mr. Chairman, the reason they are wanting to put the ADA accessible
40 parking stall up on the ramp is to meet the required ADA access to the
41 building. In other words, it's nice and flat. It's not at a 2 degree angle. It's
42 less than 2 degrees of an angle in order for somebody in a wheelchair or
43 who is disabled can actually access the building. That is why it is
44 supposed to be up there. That is a minimum requirement for access for an
45 ADA parking stall into a building. So, unfortunately, staff doesn't think what
46 the applicant is proposing is a bad idea. It's simply that an option that was

- 1 brought up in the past that staff cannot approve or accept from a Building
2 Code standpoint that doesn't meet those ADA requirements, sir.
- 3
- 4 Crane: Thank you. Mr. Scholz.
- 5
- 6 Scholz: If seems to me we're overthinking this, you know, we're trying to... it's kind
7 of like the speculation that people have brought to us before and they say,
8 "Well, what if this happens and what if that happens?" and, you know,
9 "Can we control for this?" I don't see the problem here. I think the ramp
10 should stay as it was as I think the design should stay as it is and I think
11 we should approve the variance. I think what we're doing is interfering with
12 this man's business. I think he's told us that a minority of a minority would
13 have this access problem and if those people have that problem I suspect
14 if they can get the van up to the loading dock where it is they should be
15 able to maneuver and get it back out again. I don't see that's going to be a
16 problem.
- 17
- 18 Lamberth: Now, too, by the way, I failed to mention that but navigating that backing
19 up into the... We keep that door open and this picture shows it open. If
20 we're helping folks load their oil to begin with, helping then navigate that
21 backing up and pulling out straight is not going to be a problem and our
22 people would be trained to do that.
- 23
- 24 Scholz: And I noted also that there is a new handrail that's going to be on that
25 ramp...
- 26
- 27 Lamberth: Yes.
- 28
- 29 Scholz: ... a guardrail, yeah, so people won't be likely to fall off of it. So I don't see
30 that this is a problem. I really think we're spending not only too much time
31 on this but we're speculating on the problems instead of looking at a
32 simple solution, which I see is right before us.
- 33
- 34 Crane: Thank you. Any other questions for Mr. Lamberth? Thank you, Mr.
35 Lamberth.
- 36
- 37 Lamberth: Thank you.
- 38
- 39 Crane: Any member of the public wish to make a comment on this matter? All
40 right, then we are closed for discussion and the matter before us is
41 whether the variance of A1719 should be granted. Mr. Scholz has made
42 his views known.
- 43
- 44 Scholz: I so move.
- 45
- 46 Crane: All right. Is there a second?

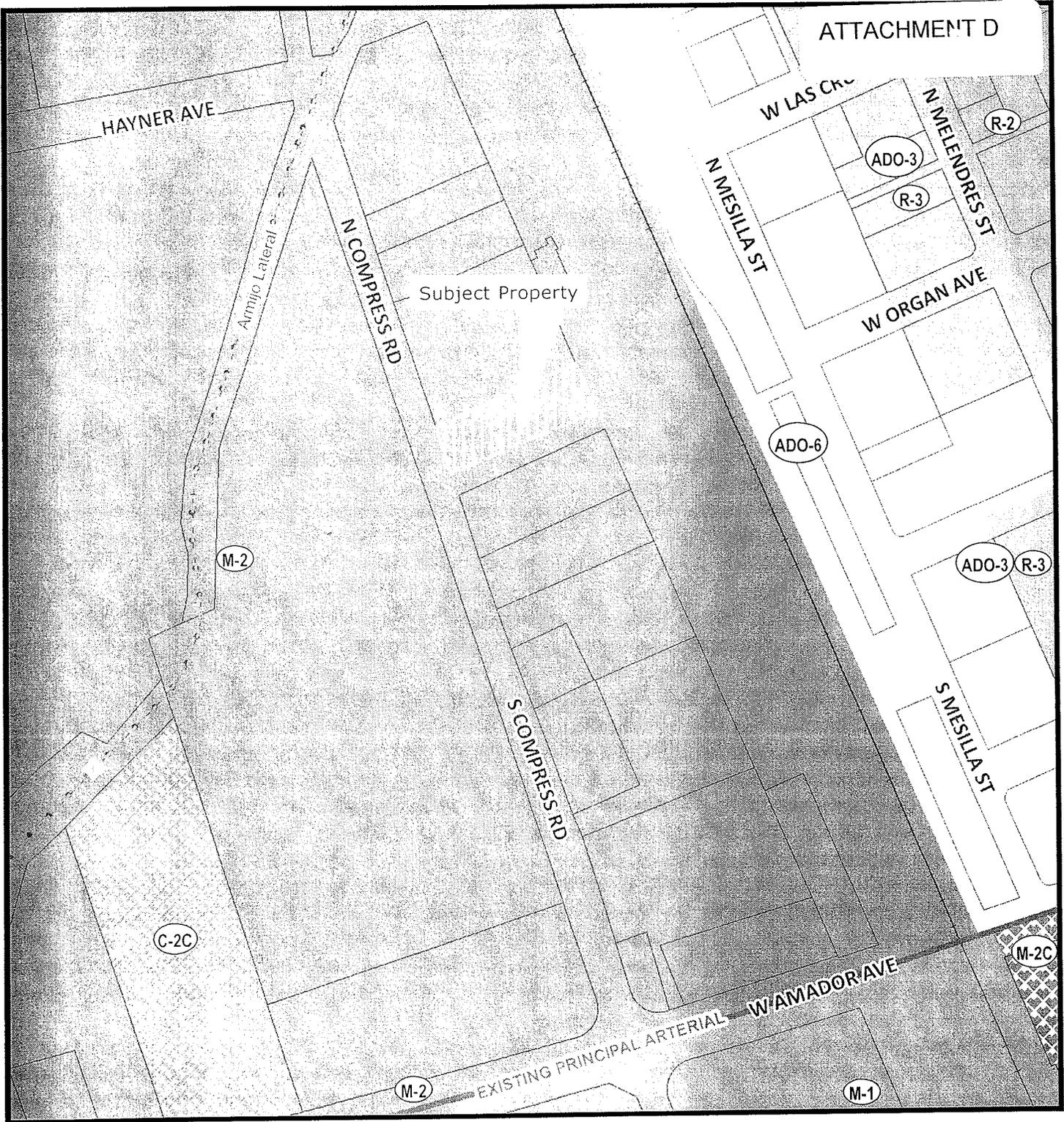
1
2 Beard: Second.
3
4 Crane: Seconded by Mr. Beard. I want to add my points. I tend to agree with Mr.
5 Scholz that this can be handled. I appreciate the Brewer Company as not
6 some hugely rich outfit from a nationwide chain that's trying to get out of a
7 small financial jam but rather as something which is an indigenous New
8 Mexico corporation and there aren't enough of them and we can cut them
9 a break here, I think, frankly, in spite of what I said it being a little difficult
10 to negotiate up there if Mr. Lamberth says that his help will be out there
11 helping a person to back up and get down the ramp fine; and it is a factor
12 that I think that we have to practically concede that if his 1,000th of 1% of
13 his customers who call there are disabled we could practically put a forklift
14 under the truck and roll it up there. But that's facetious, I suppose, but...
15 Does anybody else have a comment before we vote? Mr. Alvarado.
16
17 Alvarado: I also agree with Mr. Scholz. I think that they're making an extraordinary
18 effort to comply with ADA and I think they'll do everything to accommodate
19 their customers who need accommodation.
20
21 Crane: Thank you. If there's no other comments let's start the roll starting with Mr.
22 Shipley this time.
23
24 Ochoa: If I may interject, sir, please?
25
26 Crane: Yes, sir.
27
28 Ochoa: Just as kind of a reminder, staff is recommending denial so in your staff
29 report there are findings based for denial. If you do vote to approve this
30 you have to state what your findings are for approval, just like in the past,
31 sir.
32
33 Crane: Yes, thank you. Mr. Shipley
34
35 Shipley: If you vote this you are voting for the denial? If you're voting against it
36 you're voting...
37
38 Crane: No, sir. I don't think...
39
40 Ochoa: Mr. Chair, Commissioner Shipley. We vote everything in the positive so if
41 you agree with the variance you would be voting to approve it. That would
42 approve it; or you deny it or to keep denial as staff is recommending.
43
44 Crane: Yeah. The motion is that we approve the variance application. Mr.
45 Shipley.
46

- 1 Shipley: I vote nay based on findings, discussion and site visit.
 2
 3 Crane: Commissioner Ferrary.
 4
 5 Ferrary: I vote nay with recommendations and discussions.
 6
 7 Crane: Mr. Scholz.
 8
 9 Scholz: I vote aye because of discussions and site visit.
 10
 11 Crane: Mr. Alvarado.
 12
 13 Alvarado: I vote yes because of the discussion and the findings.
 14
 15 Crane: Mr. Beard.
 16
 17 Beard: I vote no based on findings, discussion and site visit.
 18
 19 Crane: And the Chair votes aye based on discussion and site visit. So we are tied
 20 in which event...
 21
 22 Ochoa: The variance fails, sir.
 23
 24 Crane: Yes, fails. Okay. Thank you.
 25
 26 **2. Case PUD-11-04:** Application of Borderland Engineers and Surveyors, LLC
 27 on behalf of IFLC, LLC, property owner, for a Final Site Plan for a Planned
 28 Unit Development (PUD) known as Villa Amador. The Villa Amador PUD was
 29 originally approved in 2010, encompasses 53.382 ± acres and is generally
 30 located south of Amador Avenue, West of Valley Drive and northeast of Burn
 31 Lake. Parcel ID# 02-02145, 02-02579, 02-02580, 02-02603, 02-02605, 02-
 32 02607, 02-02609, 02-18091 and 02-22499; Proposed Use: A mixed-use
 33 development entailing a phase with 179 single-family residential lots and a
 34 phase allowing industrial development. Council District 4 (Councillor Small).
 35
 36 Crane: Next, ladies and gentlemen, case PUD-11-04: application of Borderland
 37 Engineers and Surveyors on the Villa Amador. Who is going to present for
 38 the City? This yours, Mr. Ochoa? Okay. First, tell us: is this "Villa" (*Italian*
 39 *pronunciation*) or "Villa" (*Spanish pronunciation*). I worry about these
 40 things.
 41
 42 Ochoa: It is in Spanish, sir. It is Villa, sir.
 43
 44 Crane: Villa Amador (*Spanish pronunciation*). Thank you.
 45

ZONING: M-1/M-2
OWNER: BREWER OIL CO. INC.

713.
Location Vicinity Map

PARCEL: 02-02475
DATE: 07/08/2013



ATTACHMENT D

Subject Property



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

Legend

Interstates_Highway EBID Water System Railroad

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