

61  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 5      Ordinance/Resolution# 2705

For Meeting of February 18, 2014  
 (Ordinance First Reading Date)

For Meeting of March 3, 2014  
 (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/R-4 (COMMERCIAL HIGH INTENSITY/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) ON 5.95 ± ACRES OF LAND LOCATED AT 299 E. MONTANA AVENUE. SUBMITTED BY MICHAEL JOHNSON, P.E. ON BEHALF OF MESILLA VALLEY HOSPICE, INC., PROPERTY OWNER (Z2867).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 3</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The proposed zone change is for a property located on the north side of Montana Avenue and south side of Foster Road approximately 745 ± feet west of El Paseo Road. The subject property currently consists of the Mesilla Valley Hospice facility. The applicant is seeking to convert a portion of the units within the hospice facility into assisted living units. The assisted living units are being proposed to help generate income in order to help sustain the existing hospice care on the subject property. The proposed R-4 zoning designation would permit the use of the existing building for assisted living.

The applicant is also seeking to keep the commercial zoning designation on the subject property. The property currently exceeds the one (1) acre maximum lot size permitted in the existing C-2 zoning district. The proposed zone change to C-3 would facilitate compliance with the 2001 Zoning Code, as amended, for the lot size requirement. The subject property is located in very close proximity to El Paseo Road and Idaho Avenue, two existing Minor Arterial roadways as classified by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity commercial zoning and high density residential zoning such as the proposed C-3

and R-4 zoning designations are encouraged. The subject property is also located adjacent to and in close proximity to other properties with R-4 and C-3 zoning designations.

On January 28, 2014, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 5-0-0, (one Commissioner absent, one Commissioner position vacant). The proposed zone change was approved on the consent agenda at the meeting and no discussion took place for the proposed zone change. There was no public input received by staff 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 Z2867.
5. Attachment "B", 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 5.95 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office).
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. Ordinance 1481.

COUNCIL BILL NO. 14-020  
ORDINANCE NO. 2705

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3/R-4 (COMMERCIAL HIGH INTENSITY/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) ON 5.95 ± ACRES OF LAND LOCATED AT 299 E. MONTANA AVENUE. SUBMITTED BY MICHAEL JOHNSON, P.E. ON BEHALF OF MESILLA VALLEY HOSPICE, INC., PROPERTY OWNER (Z2867).**

The City Council is informed that:

**WHEREAS**, Mesilla Valley Hospice, Inc., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) for the property located at 299 E. Montana Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on January 28, 2014, recommended that said zone change request be approved by a vote of 5-0-0 (one Commissioner 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/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) for property located at 299 E. Montana 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 \_\_\_\_\_ 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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

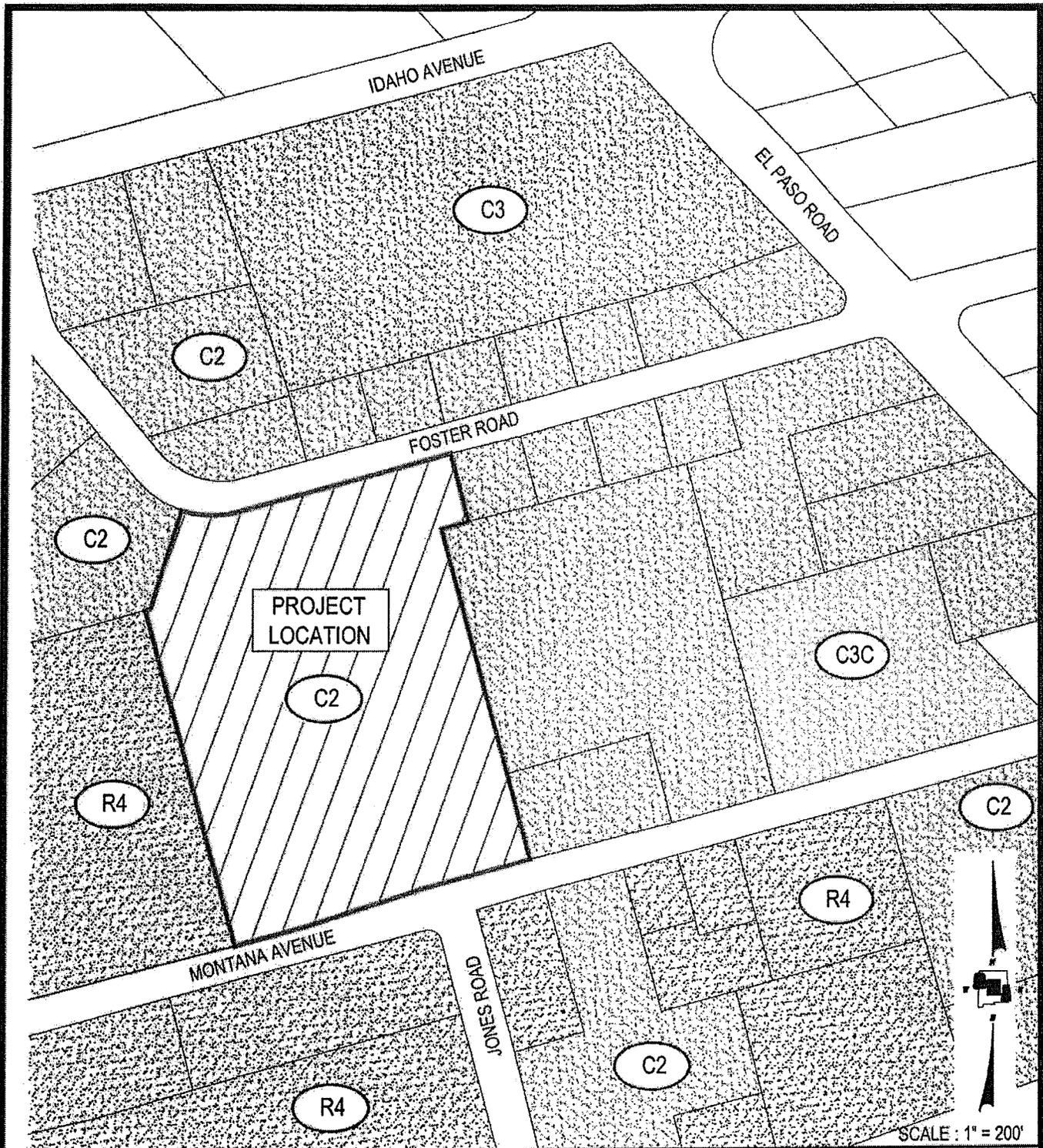
Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

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

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____

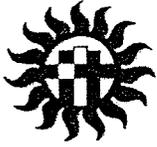


**CURRENT ZONING MAP**  
**MAP CODE #4-007-136-405-218 / PARCEL ID #02-41146**  
**MESILLA VALEY HOSPICE INC.**  
**299 EAST MONTANA AVENUE**

1	ISSUE FOR REVIEW
NO	REVISIONS
PROJECT NUMBER	33147
DATE	03DEC13
DRAWING NUMBER	V-2

## **Findings**

1. The subject parcel currently encompasses a total of 5.95 ± acres, is zoned C-2 (Commercial Medium Intensity) and consists of a hospice facility.
2. The subject property is located in very close proximity to two Arterial roadways where high intensity commercial and high density multi-family residential uses and zoning such as the proposed C-3 and R-4 zoning designations are encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
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 Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Planning & Zoning Commission Staff Report

Meeting Date: January 28, 2014  
Drafted by: Adam Ochoa, Planner *AO*

**CASE #** Z2867 **PROJECT NAME:** 299 E. Montana Ave.  
(Zone Change)

**APPLICANT/  
REPRESENTATIVE:** Michael Johnson,  
P.E. **PROPERTY  
OWNERS:** Mesilla Valley  
Hospice, Inc.

**LOCATION:** Located on the  
north side of  
Montana Avenue  
approximately 745  
± feet west of El  
Paseo Road **COUNCIL  
DISTRICT:** District 3  
(Councillor Pedroza)

**SIZE:** 5.95 ± acres **EXISTING ZONING/  
OVERLAY:** C-2 (Commercial  
Medium Intensity)

**REQUEST/  
APPLICATION TYPE:** Zone change from C-2 (Commercial Medium Intensity) to C-3/R-4  
(Commercial High Intensity/Multi-Dwelling High Density & Limited  
Retail and Office)

**EXISTING USE:** A hospice facility

**PROPOSED USE:** A hospice and assisted living facility

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

**TABLE 1: CASE CHRONOLOGY**

Date	Action
December 5, 2013	Application submitted to Development Services
December 6, 2013	Case sent out for review to all reviewing departments
December 13, 2013	Final comments returned by all reviewing departments
December 19, 2013	Staff reviews and recommends approval of the zone change
January 12, 2014	Newspaper advertisement
January 10, 2014	Public notice letter mailed to neighboring property owners
January 13, 2014	Sign posted on property
January 28, 2014	Planning and Zoning Commission public hearing

**SECTION 1: SYNOPSIS OF PROPOSAL**

The applicant is seeking to convert a portion of the existing hospice facility on the subject property into an assisted living facility. The proposed R-4 (Multi-Dwelling High Density & Limited Retail and Office) zoning designation would permit the assisted living facility on the subject property by right. The applicant is also seeking to keep the commercial zoning designation on the subject property. The property currently exceeds the maximum one acre lot size requirement of the existing C-2 (Commercial Medium Intensity) zoning designation. The additional proposed zone change to C-3 (Commercial High Intensity) would bring the subject property into compliance with the 2001 Zoning Code with the maximum lot size requirement.

**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	5.95 ± acres	5.95 ± acres	0.50 acres min. / no max. in C-3 8,500 sq. ft. min. / no max. in R-4
Lot Width	438 ± feet	Unchanged	60 feet min. in C-3 70 feet min. in R-4
Lot Depth	589 ± feet	Unchanged	70 feet min. in C-3 100 feet min. in R-4
Structure Height	16 ± feet	Unchanged	60 feet maximum
<b>Setbacks</b>			
Front	36 ± feet	Unchanged	15 feet min. in C-3 20 feet min. in R-4
Side	47 ± feet	Unchanged	5 feet min. in C-3 7 feet min. in R-4
Side	32 ± feet	Unchanged	5 feet min. in C-3 7 feet min. in R-4
Secondary Front	106 ± feet	Unchanged	15 feet minimum
Accessory Structure	N/A	N/A	N/A
ROW Dedication	N/A	N/A	N/A
<b>Landscaping</b>			
% of property (less building pad & screened storage)	20% ±	Unchanged	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	Hospice Facility	N/A	C-2 (Commercial Medium Intensity)
North	Fitness Center	N/A	C-2 (Commercial Medium Intensity)
South	Church/Multi-Family Residential	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
East	Multi-Family Residential	N/A	C-2 (Commercial Medium Intensity)
West	Multi-Family Residential	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)

**TABLE 5: PARCEL HISTORY**

Number	Status
Permit	N/A
Ordinance #1481	Zone change from R-4 to C-2 approved in September of 1995.
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
Mesilla Valley Metropolitan Planning Organization (MVMPO)	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 CONCLUSIONS**Decision Criteria

The Planning and Zoning Commission shall review each request in relation to the 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;
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods;

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 2040 Goals & Policies

As specified by the decision criteria listed above, the proposal should be in concert with Comprehensive Plan 2040. The following policies from Comprehensive Plan 2040 are relevant to the current proposal:

Sustainable Growth Goal 32 (Vibrant Planning Areas, Neighborhoods & Districts)

1. Policy 32.3

Please refer to Attachment #5 for a detailed description of the Comprehensive Plan 2040 Policies listed above.

#### Analysis

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3/R-4 (Commercial High Intensity/Multi-Dwelling High Density & Limited Retail and Office) is for a 5.95 ± acre tract located on the north side of Montana Avenue and the south side of Foster Road approximately 745 ± feet west of El Paseo Road. The existing parcel currently consists of a hospice facility. The applicant is seeking to convert some of the units in the existing facility into assisted living units and adding the use of an assisted living facility on the property. The proposed zone change to the R-4 zoning designation shall permit the use of an assisted living facility on the subject property. Additionally, the applicant is seeking to keep the existing commercial zoning designation on the subject property. The existing size of the property exceeds the maximum lot size requirement of the existing C-2 zoning designation and the

proposed zone change to C-3 would bring the property into compliance with the 2001 Zoning Code, as amended.

The property is adjacent to and in very close proximity to other properties with R-4 and C-3 zoning designations. The property is also adjacent to other properties used for senior-citizen living, making it compatible with adjacent and surrounding properties in terms of use and zoning. The proposed zone change will also allow the property to innovatively redevelop to allow an additional related use for the existing facility. The subject property is also in very close proximity to El Paseo Road and Idaho Avenue, two existing Minor Arterial roadways, where high intensity commercial and high density multi-family residential uses and zoning are encouraged.

### 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 policies of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed C-3 and R-4 Zoning Districts are 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:

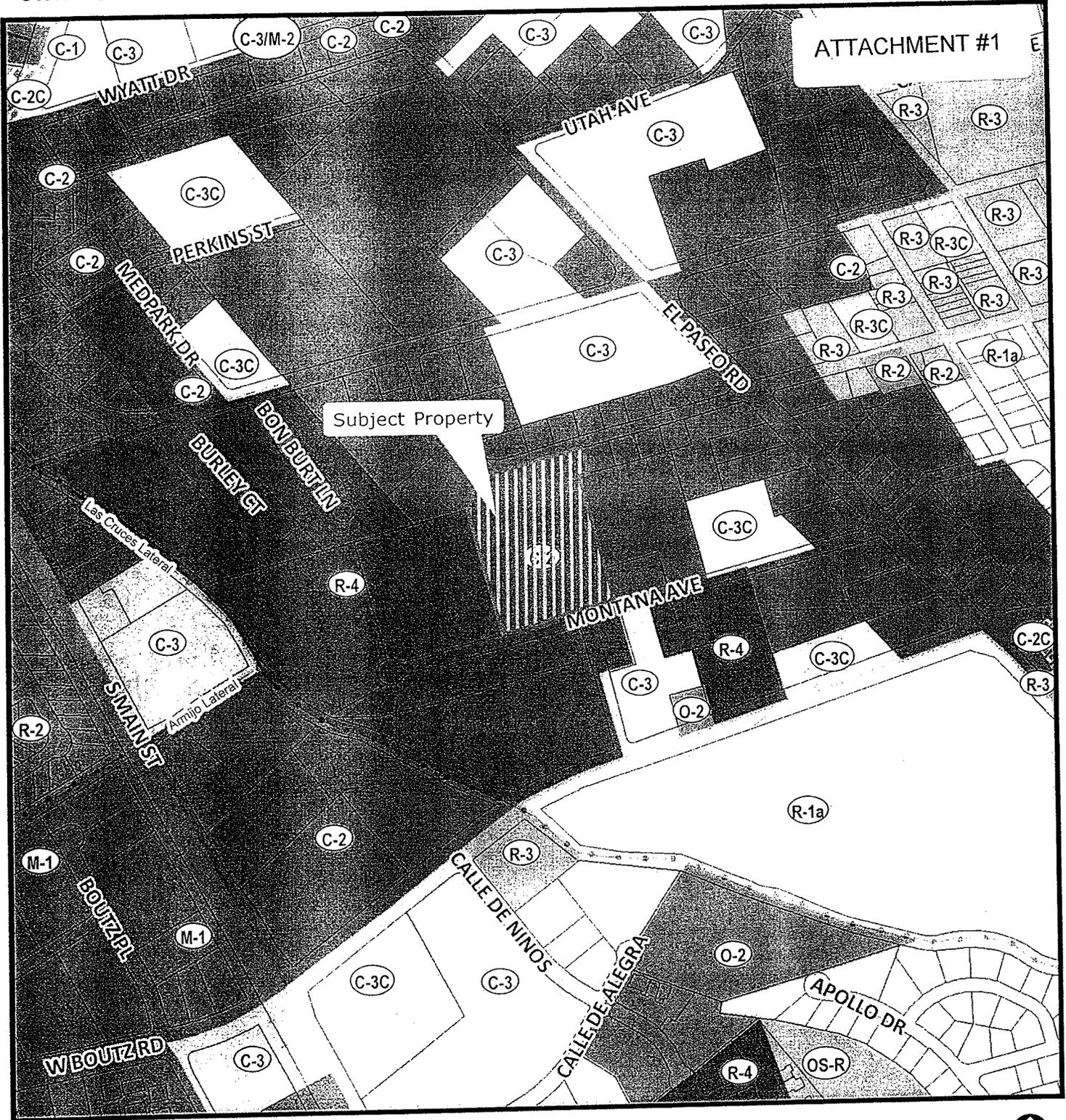
### **FINDINGS FOR APPROVAL**

1. The subject parcel currently encompasses a total of 5.95 ± acres, is zoned C-2 (Commercial Medium Intensity) and consists of a hospice facility.
2. The subject property is located in very close proximity to two Arterial roadways where high intensity commercial and high density multi-family residential uses and zoning such as the proposed C-3 and R-4 zoning designations are encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
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 Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

### **ATTACHMENTS**

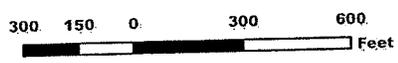
1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Applicant's Narrative
5. Comprehensive Plan 2040 Policies
6. Reviewing Department/Agency Comments and/or Conditions

ATTACHMENT #1



Subject Property

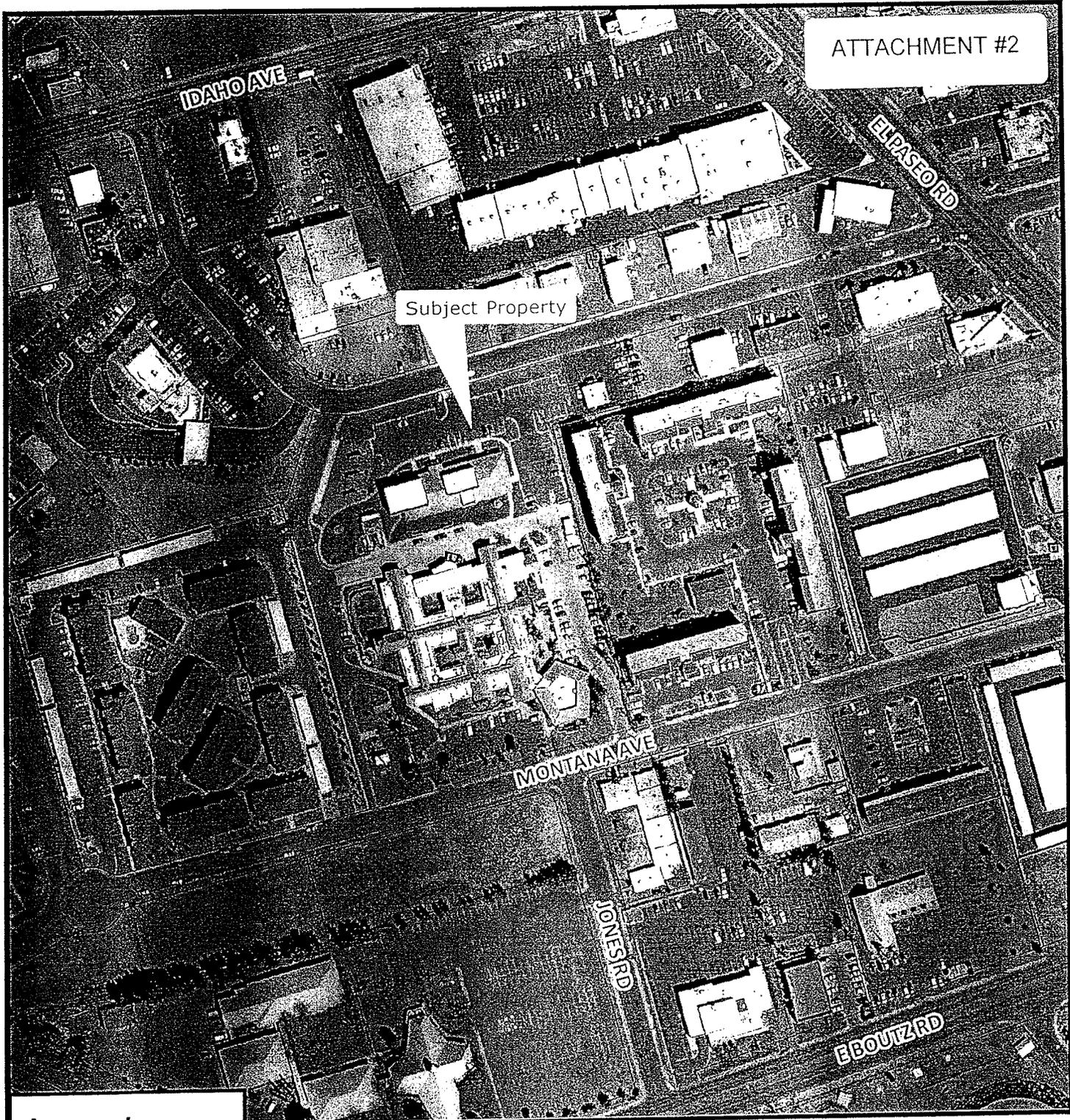
Legend					
	EXISTING LIMITED ACCESS		PROPOSED INTERCHANGE/UNDERPASS		Non Designated Trail
	EXISTING PRINCIPAL ARTERIAL		PROPOSED PRINCIPAL ARTERIAL		Proposed Paved EBID
	EXISTING MINOR ARTERIAL		PROPOSED MINOR ARTERIAL		Proposed Unpaved EBID
	EXISTING COLLECTOR		PROPOSED COLLECTOR		City Parcel
	PROPOSED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



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.

ATTACHMENT #2



**Legend**

 City Parcel

DAC\_2010.ecw

RGB

 Red: Band\_1

 Green: Band\_2

 Blue: Band\_3



100 50 0 100 200 300  
Feet

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

### 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: MESILLA VALLEY HOSPICE, INC.  
 Contact Person: MICHAEL JOHNSON, P.E.  
 Contact Phone Number: (575) 642-5598  
 Contact e-mail Address: mjohn1535@q.com  
 Web site address (if applicable): N/A

#### Proposal Information

Name of Proposal: ZONE CHANGE REQUEST  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)  
ZONE CHANGE FROM C-2 (NON CONFORMING) TO C-3/R-4  
 Location of Subject Property 299 EAST MONTANA AVENUE  
 (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: APPROXIMATELY 5.95 ACRES  
 Detailed description of current use of property. Include type and number of buildings:  
HOSPICE FACILITY.

Detailed description of intended use of property. (Use separate sheet if necessary):  
AS HOSPICE FACILITY AND ASSISTED LIVING FACILITY.

Zoning of Subject Property: C-2 (NON-CONFORMING)  
 Proposed Zoning (if applicable): C-3/R-4  
 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

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

24 HOURS PER DAY / 7 DAYS A WEEK

Anticipated traffic generation NO CHANGE FROM EXISTING trips per day.

Anticipated development schedule: work will commence on or about NO WORK and will take \_\_\_\_\_ to complete.

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

N/A - ON LOT PONDING EXISTING.

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). N/A

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

Is there existing landscaping on the property? YES

Are there existing buffers on the property? YES

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

If yes, is it paved? Yes ✓ No \_\_\_

How many spaces? 165 How many accessible? 10

**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

**MICHAEL D. JOHNSON, P.E.**

1535 Karrie Lane  
Las Cruces, NM 88007

email: [mjohn1535@q.com](mailto:mjohn1535@q.com)

575-642-5598

Ms. Katherine Harrison-Rogers, Senior Planner  
City of Las Cruces  
P.O. Box 20000  
Las Cruces, N.M. 88004

Re: Requested Zone Change – Mesilla Valley Hospice Inc.

Dear Ms. Harrison-Rogers:

Mesilla Valley Hospice, located at 299 East Montana, would like to convert eight beds (of the 31 beds currently in use) to an assisted living facility. The property located at 299 East Montana Avenue is currently zoned C-2 "Commercial Medium Intensity" (non-conforming). An assisted living facility is not a permitted use under the C-2 zoning.

Therefore, on behalf of Mesilla Valley Hospice, Inc., I would like to submit a formal request to change the zoning from C-2 "Commercial Medium Intensity" (non-conforming) to a multiple zoning district of C-3 "Commercial High Intensity" and R-4 "Multi-Dwelling High Density and Limited Retail Office". The C-3 zoning designation will bring the property use into conformance with the current City of Las Cruces Zoning Code and the R-4 zoning designation will allow for the proposed use as an assisted living facility.

The property is approximately 5.95 acres in area and is located in the Three Crosses Medical Center Plat #1 Replat #2. The property is further identified as Parcel ID # 02-41146 and Map Code #4-007-136-405-218 in the records of the Dona Ana County Assessor's Office.

I have attached a completed Development Statement for Zoning Application with Affidavit, property information from the County Assessor's office, a Vicinity Map, a Current Zoning Map and a Proposed Zoning Map as part of this requested Zone Change Submittal.

Should you have any questions or need additional information please feel free to contact me. Your time and consideration is greatly appreciated.

Sincerely,



Michael D. Johnson, P.E.

c: Ms. Jean Briley, Executive Director/CEO Mesilla Valley Hospice, Inc.

IDAHO AVENUE

EL PASO ROAD

FOSTER ROAD

MONTANA AVENUE

JONES ROAD

C3

C2

C2

PROJECT LOCATION

C2

C3C

R4

C2

R4

C2

R4



SCALE : 1" = 200'

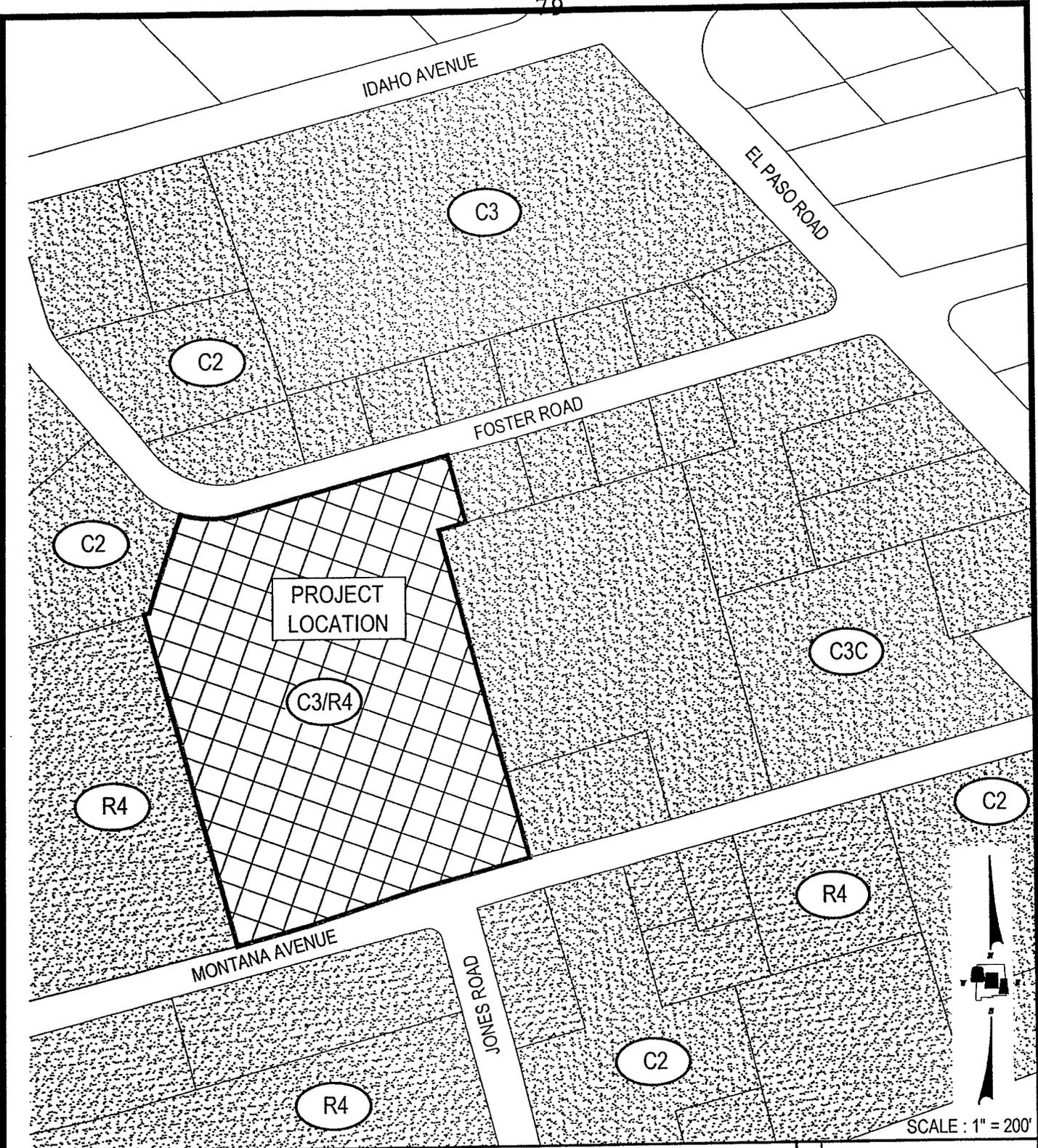
### CURRENT ZONING MAP

MAP CODE #4-007-136-405-218 / PARCEL ID #02-41146

MESILLA VALEY HOSPICE INC.

299 EAST MONTANA AVENUE

1	ISSUE FOR REVIEW
	NO REVISIONS
PROJECT NUMBER	33147
DATE	03DEC13
DRAWING NUMBER	V-2



SCALE : 1" = 200'

**PROPOSED ZONING MAP**  
**MAP CODE #4-007-136-405-218 / PARCEL ID #02-41146**  
**MESILLA VALEY HOSPICE INC.**  
**299 EAST MONTANA AVENUE**

1	ISSUE FOR REVIEW
NO	REVISIONS
PROJECT NUMBER	33147
DATE	03DEC13
DRAWING NUMBER	<b>V-3</b>

## **Comprehensive Plan 2040 Policies**

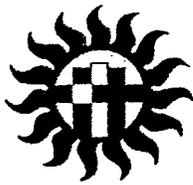
The following policies from Comprehensive Plan 2040 are relevant to the current proposals:

### **Sustainable Growth Goal 32 (Vibrant Planning Areas, Neighborhoods & Districts)**

Policies:

32.3 Regional commercial uses shall be defined as those high intensity commercial uses which generate considerable auto-oriented traffic. Such uses conduct retail, service, and wholesale activities on a large volume basis and generally have at least one anchor tenant. These uses are intended to serve the needs of those within a four-plus mile radius. Regional commercial uses (single) and centers generally serve a population greater than 50,000 people and should be established according to the following criteria:

- a. Single uses are generally greater than 75,000 gross square feet commercial use. A regional commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. Regional commercial uses and centers shall be located at the intersection of major arterial streets and limited access highways. Location at intersections with a major arterial streets and mid-block locations shall be considered on a case-by-case basis using context criteria and assessment of impacts to the area. Multiple access points serving this use is typical and should not have any secondary egress/ingress from any roadway designated below collector status.
- c. The City shall pursue multi-modal access standards of auto, bicycle, pedestrian, and transit for regional commercial uses and centers.
- d. Regional commercial development shall address the following urban design criteria of compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas.
- e. Adequate space for functional circulation shall be provided for parking and service areas.
- f. Encourage regional commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. Regional commercial uses and centers should not locate adjacent to rural or low density residential uses.



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# City of Las Cruces

PEOPLE HELPING PEOPLE

**DATE:** December 6, 2013

**TO:** ~~Development Services~~

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2867 (Review No.1)

**SUBJECT:** 299 E. Montana Avenue  
Zone Change of C-2 to C-3/R-4

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 [Dec. 13, 2013].

**IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).**

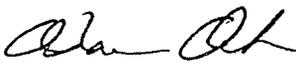
APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 12/13/13

REVIEWER NAME: 

REVIEWER CONTACT NO. X3204

299 E Montana Avenue

Advanced Planning Comments (Carol McCall)

Conclusions

This is a proposal for a zoning change from C-2 to C-3/R-4. The property owner, Mesilla Valley Hospice Inc., wishes to convert eight of their 31 beds to an assisted living facility. Assisted living is not allowed in C-3 zones, but is allowed in R-4. The conversion would also bring the 6-acre lot into compliance with the 2001 Zoning Code which does not allow C-2 zoned lots to exceed 1 acre in size. The use would be a conversion of existing facilities, an additional structure will not be built.

The property is surrounded by a variety of R-4, C-2 and C-3 uses, so the conversion to C-3 would not be out of place. Although located between two local roadways, the facility has existed at this location for a number of years and is not expected to increase vehicular traffic to any large extent (policy 32.3.b., below). It is also in close proximity to Idaho and El Paseo, more heavily trafficked streets.

All in all, the proposal appears to be sound, and advance planning staff has no objections.

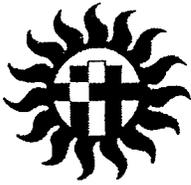
*The following policies from Comprehensive Plan 2040 are relevant to the current proposals:*

**Sustainable Growth Goal 32 (Vibrant Planning Areas, Neighborhoods & Districts)****Policies:**

- 32.3 Regional commercial uses shall be defined as those high intensity commercial uses which generate considerable auto-oriented traffic. Such uses conduct retail, service, and wholesale activities on a large volume basis and generally have at least one anchor tenant. These uses are intended to serve the needs of those within a four-plus mile radius. Regional commercial uses (single) and centers generally serve a population greater than 50,000 people and should be established according to the following criteria:
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  - f. Encourage regional commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
  - g. Regional commercial uses and centers should not locate adjacent to rural or low density residential uses.

**Residential Land Use:**

Residential Land Use is not specifically addressed in Comprehensive Plan 2040, except to define "urban residential use:" Residential units which occur at a density of greater than two dwelling units per acre.



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**City of Las Cruces**<sup>®</sup>  
P E O P L E H E L P I N G P E O P L E

DATE: December 6, 2013

TO: **MPO**

FROM: Adam Ochoa, Planner

CASE NO.: Z2867 (Review No.1)

SUBJECT: 299 E. Montana Avenue  
Zone Change of C-2 to C-3/R-4

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: 12/16/13

REVIEWER NAME: Andrew Whang  
REVIEWER CONTACT NO. 3010

**MPO REVIEW COMMENTS**  
 Planning and Zoning Commission Cases

Case #: Z2867

Date: December 6, 2013

Request: 299 E. Montana Avenue  
 Zone Change C-2 to C-3/R-4

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
El Paseo	1035'		Minor Arterial	100'		13275 (2012)		Proposed Bike Lanes
Idaho	539'		Minor Arterial	100'		2918 (2011)		Proposed Bike Lanes
Boutz	525'		Minor Arterial	100'		18354 (2010)		Proposed Bike Lanes

Recommended Conditions of Approval

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Additional Comments

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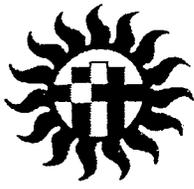
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# City of Las Cruces<sup>85</sup><sup>®</sup>

PEOPLE HELPING PEOPLE

DATE: December 6, 2013  
TO: Engineering  
FROM: Adam Ochoa, Planner  
CASE NO.: Z2867 (Review No.1)  
SUBJECT: 299 E. Montana Avenue  
Zone Change of C-2 to C-3/R-4

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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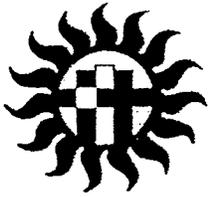
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APPROVED AS IS: YES  NO

APPROVED WITH CONDITIONS:

DATE: 12.11.13 REVIEWER NAME: Natasha Zilly, EI, CFM  
REVIEWER CONTACT NO. 528-3496

*in the application, clarify if the conversion of the 8 beds increases any of the existing building footprints or if a new structure will be erected.  
based on the recorded plat, this lot is in a SFHA - thus needed to comply with FEMA & CLC requirements. Any development or substantial improvements require the property owner to meet flood plain compliance. Was a LOMR completed? Please discuss w/ CLC Floodplain Manager JD Padilla @ 528-3131.*



Case Review Sheet

To: Engineering Services

Case #: Z2867

Date: December 6, 2013

Request: 299 E. Montana Avenue  
 Zone Change C-2 to C-3/R-4

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		_____
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

*✓ - check w/ CLC Floodplain Manager*

DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES _____	NO <input checked="" type="checkbox"/>	N/A _____
Drainage Study needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	
Sidewalk extension needed	YES _____	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:  *Conditional* Approval  Denial

*Address comments.*

**Adam Ochoa**

---

**From:** J.D. Padilla  
**Sent:** Monday, December 16, 2013 3:10 PM  
**To:** Natasha Billy  
**Cc:** mjjohn1535@q.com; Adam Ochoa  
**Subject:** Z2867 (Montana Avenue)

Hey Natasha,

I just spoke with Mike Johnson in regards to development at 299 Montana Avenue. He stated they are just renaming rooms and adding 1 tub.

This is in compliance with development in the SFHA.

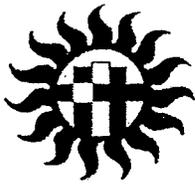
Please let me know if you have any questions.

Thanks.

**J.D. Padilla, CFM**  
Floodplain Administrator  
City of Las Cruces - Public Works Department  
P.O. Box 20000  
Las Cruces, NM 88004  
(575) 528-3131; FAX (575) 528-3110



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# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

DATE: December 6, 2013

RECEIVED

TO: **Traffic**

DEC 06 2013

FROM: Adam Ochoa, Planner

TRAFFIC

CASE NO.: Z2867 (Review No.1)

SUBJECT: 299 E. Montana Avenue  
Zone Change of C-2 to C-3/R-4

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 [Dec. 13, 2013].

*IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).*

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 12/13/13

REVIEWER NAME: Per Willie Roman

REVIEWER CONTACT NO. 2701

89  
City of Las Cruces  
Planning and Zoning Commission  
Case Review Sheet

TRAFFIC:

Case #: Z2867

Date: December 6, 2013

Request: 299 E. Montana Avenue  
Zone Change C-2 to C-3/R-4

SITE ACCESSIBILITY: \*

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

ON-STREET PARKING IMPACTS:

None  Low  Medium  High

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

FUTURE INTERSECTION IMPROVEMENTS:

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

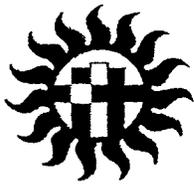
Is a TIA required? Yes  No

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

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation:  Approval  Denial  
*W. Farnham 12/13/13*



<sup>90</sup>  
**City of Las Cruces**<sup>®</sup>  
P E O P L E H E L P I N G P E O P L E

DATE: December 6, 2013

TO: **Parks**

FROM: Adam Ochoa, Planner

CASE NO.: Z2867 (Review No.1)

SUBJECT: 299 E. Montana Avenue  
Zone Change of C-2 to C-3/R-4

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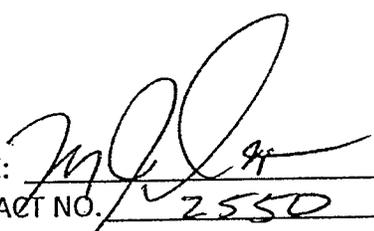
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---

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 12/10/13

REVIEWER NAME: 

REVIEWER CONTACT NO. 2550

City of Las Cruces  
Planning and Zoning Commission  
Case Review Sheet

**PARKS:**

Case #: Z2867

Date: December 6, 2013

Request: 299 E. Montana Avenue  
Zone Change C-2 to C-3/R-4

Are park impact fees going to be assessed for the proposed development?

Yes \_\_\_\_\_ No X

If no, why?

*No new dwelling units.*

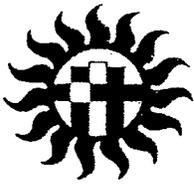
COMMENTS:

RECOMMENDATION:



APPROVAL

\_\_\_\_\_ DENIAL



# City of Las Cruces<sup>02</sup>

PEOPLE HELPING PEOPLE

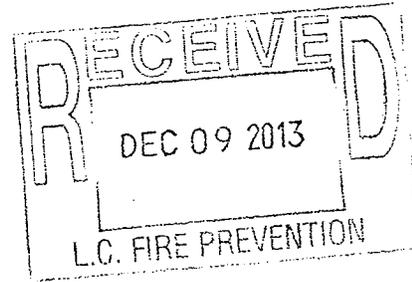
DATE: December 6, 2013

TO: **Fire**

FROM: Adam Ochoa, Planner

CASE NO.: Z2867 (Review No.1)

SUBJECT: 299 E. Montana Avenue  
Zone Change of C-2 to C-3/R-4



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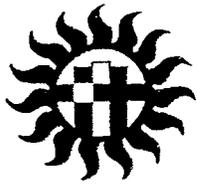
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APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 12/11/13

REVIEWER NAME: MJD  
REVIEWER CONTACT NO. 84150



**City of Las Cruces<sup>93</sup>**  
**PEOPLE HELPING PEOPLE**

DATE: December 6, 2013

TO: **Utilities**

FROM: Adam Ochoa, Planner

CASE NO.: Z2867 (Review No.1)

SUBJECT: 299 E. Montana Avenue  
 Zone Change of C-2 to C-3/R-4

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APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 12/11/13

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

*No water rights issues - ED. 12/10/2013*

CITY OF LAS CRUCES  
PLANNING AND ZONING COMMISSION  
CASE REVIEW SHEET

CASE #: Z2867 DATE: 12/11/13

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: \_\_\_\_\_



ZONING: C-2 TO C-3/R-4

OWNER: MESILLA VALLEY HOSPICE

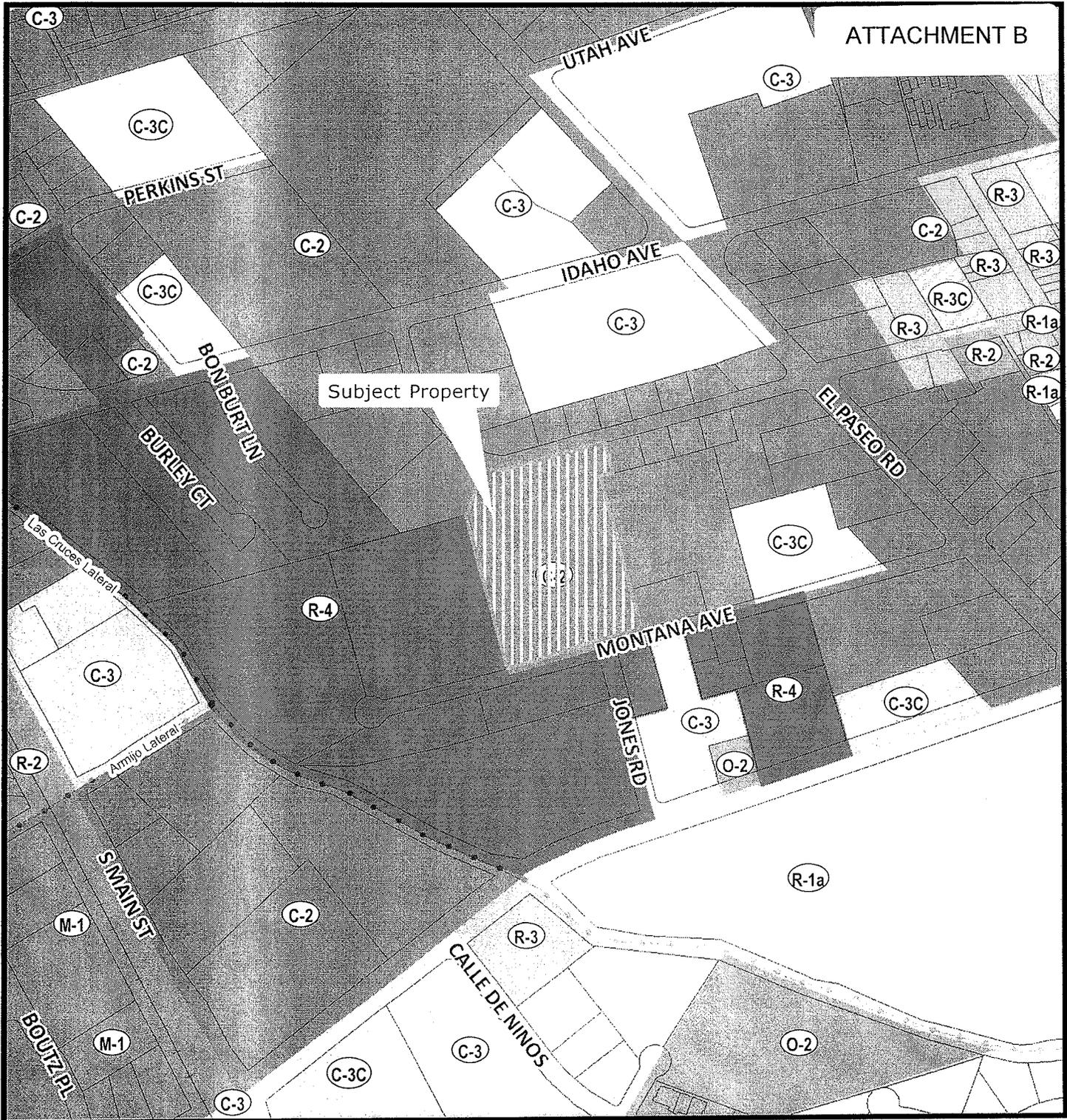
95

# Location Vicinity Map

PARCEL: 02-41146

DATE: 12/06/2013

ATTACHMENT B



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

## Legend

- Interstates\_Highway
- EBID Water System
- Railroad

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