

96
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 2706

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 O-1 (OFFICE, NEIGHBORHOOD-LIMITED RETAIL SERVICE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 0.97 ± ACRES OF LAND LOCATED AT 3401 W. PICACHO AVENUE. SUBMITTED BY TONY TREVINO ON BEHALF OF JAMIE DRYDEN, PROPERTY OWNER (Z2868).

PURPOSE(S) OF ACTION:

Zone change.

| | | |
|----------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|
| COUNCIL DISTRICT: 2 | | |
| <u>Drafter/Staff Contact:</u> Adam Ochoa | <u>Department/Section:</u> Community Development/Building & Development Services | <u>Phone:</u> 528-3204 |
| <u>City Manager Signature:</u> |  | |

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located on the south side of Picacho Avenue approximately 970 ± feet east of the Rio Grande. The subject property currently consists of a church. The applicant is seeking to construct a new 4,000 square foot office/warehouse building on the subject property. The existing O-1 zoning designation limits the total building gross floor area on the subject property to a maximum of 2,500 square feet, which has already been met by the existing church. The existing O-1 zoning designation also extremely limits the uses permitted on the subject property. The proposed zone change to C-3 would permit the construction of the proposed building and would permit a larger variety of office and commercial uses on the subject property. The existing church will not be affected by the proposed zone change. The subject property is located adjacent to Picacho Avenue, an existing Principal Arterial roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity commercial zoning such as the proposed C-3 zoning designation is encouraged. The subject property is also located adjacent to another C-3 zoned property and in close proximity to other commercially zoned property making compatibility not an issue.

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 either.

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 Z2868.
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 0.97 ± acres will be rezoned from O-1 (Office, Neighborhood-Limited Retail Service) to C-3 (Commercial High Intensity).

2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of O-1 (Office, Neighborhood-Limited Retail Service) will remain on the subject property and the construction of the new proposed building will not be permitted. Denial of the zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. N/A

COUNCIL BILL NO. 14-021
ORDINANCE NO. 2706

AN ORDINANCE APPROVING A ZONE CHANGE FROM O-1 (OFFICE, NEIGHBORHOOD-LIMITED RETAIL SERVICE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 0.97 ± ACRES OF LAND LOCATED AT 3401 W. PICACHO AVENUE. SUBMITTED BY TONY TREVINO ON BEHALF OF JAMIE DRYDEN, PROPERTY OWNER (Z2868).

The City Council is informed that:

WHEREAS, Jamie Dryden, the property owner, has submitted a request for a zone change from O-1 (Office, Neighborhood-Limited Retail Service) to C-3 (Commercial High Intensity) for the property located at 3401 W. Picacho 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 (Commercial High Intensity) for property located at 3401 W. Picacho 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:

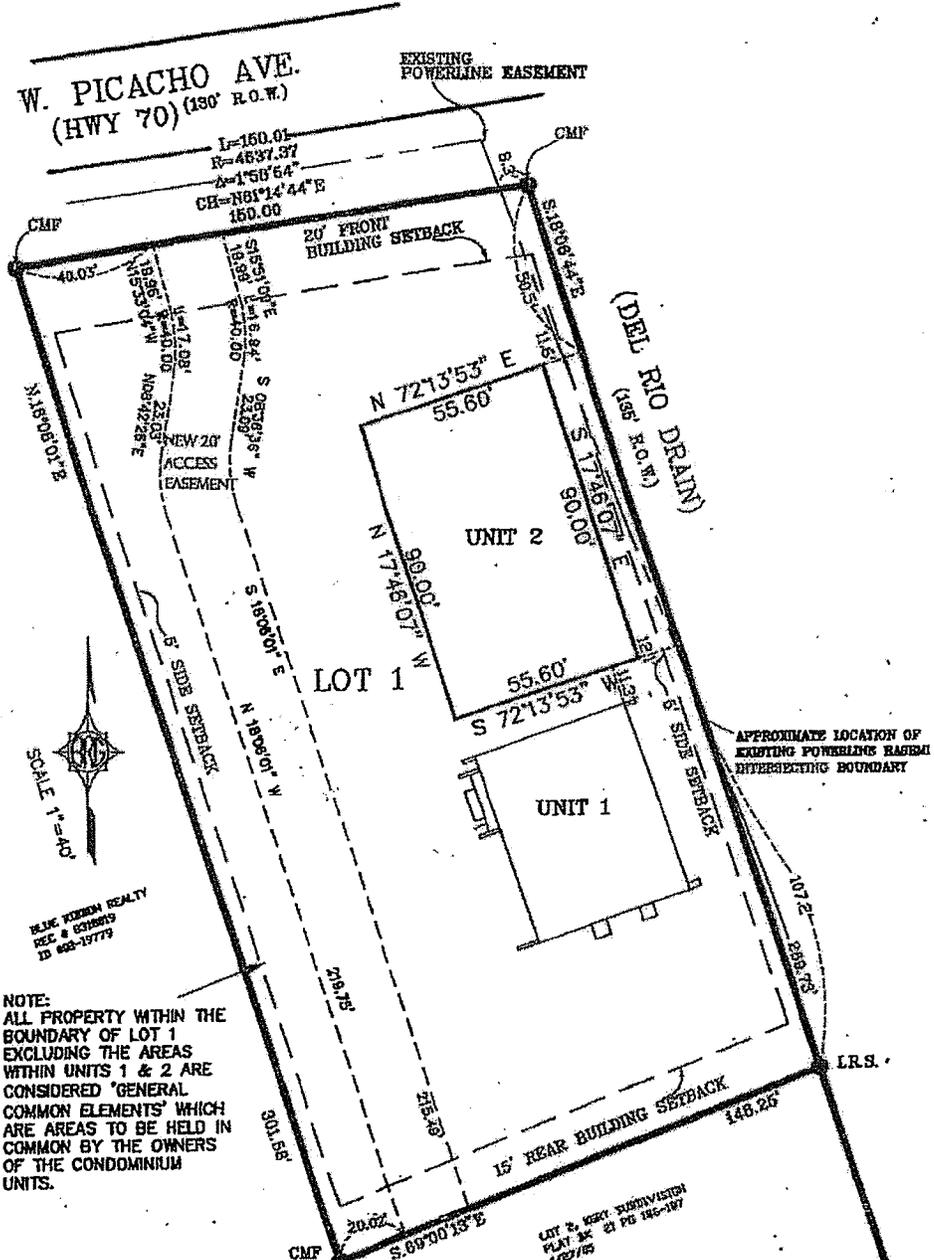


City Attorney

VOTE:

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

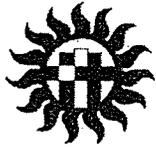
KGRT SUBDIVISION; UNIT 2 CONDOMINIUM PLAT
 A SURVEY TO PREPARE A PLAT AND DESCRIPTION FOR A 2 UNIT CONDOMINIUM AS FILED IN THE
 DECLARATION OF KGRT SUBDIVISION CONDOMINIUM, BOOK _____ PAGES _____
 DATED _____ IN THE RECORDS OF THE DONA ANA COUNTY CLERK
 SITUATED WITHIN LOT 1 OF THE KGRT SUBDIVISION FILED APRIL 27, 2005, IN PLAT BOOK 21, PAGES
 188-187 OF THE RECORDS OF THE DONA ANA COUNTY CLERK
 LOCATED IN SECTION 15, T.28S., R.1E., N.M.P.M. OF THE U.S.G.S. SURVEYS
 WITHIN THE CITY OF LAS CRUCES AND THE E.T.Z.
 DONA ANA, NEW MEXICO
 SCALE: 1"=50' JULY 14, 2005



STATE OF NEW MEXICO
COUNTY OF DONA ANA
BRC
BROOKS & ROBERTSON CONSULTANTS, INC.
ENGINEERING, PLANNING, SURVEYING
1000 N. MEXICO AVE., SUITE 1000, LAS CRUCES, NM 88005-5000 (505) 252-2278 (505) 252-9528 (FAX)
PROJECT 10101

Findings

1. The subject parcel currently encompasses a total of 0.97 ± acres, is zoned O-1 (Office, Neighborhood-Limited Retail Service) and consists of a church.
2. The subject property is located along a Principal Arterial roadway where high intensity commercial uses and zoning such as the proposed C-3 zoning designation is encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
3. 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 # Z2868 **PROJECT NAME:** 3041 W. Picacho Ave. (Zone Change)

**APPLICANT/
REPRESENTATIVE:** Tony Trevino **PROPERTY OWNERS:** Jamie Dryden

LOCATION: Located on the south side of Picacho Avenue approximately 970 ± feet east of the Rio Grande River **COUNCIL DISTRICT:** District 2 (Councillor Small)

SIZE: 0.97 ± acres **EXISTING ZONING/
OVERLAY:** O-1 (Office, Neighborhood-Limited Retail Service)

**REQUEST/
APPLICATION TYPE:** Zone change from O-1 (Office, Neighborhood-Limited Retail Service) to C-3 (Commercial High Intensity)

EXISTING USE: A church

PROPOSED USE: A church and a new office/warehouse building

STAFF RECOMMENDATION: Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

| Date | Action |
|-------------------|------------------------------------------------------------|
| December 6, 2013 | Application submitted to Development Services |
| December 11, 2013 | Case sent out for review to all reviewing departments |
| December 18, 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 construct a new 4,000 square foot office/warehouse building on the subject property that can be used for office, commercial and warehousing purposes. The existing O-1 (Office, Neighborhood-Limited Retail Service) zoning designation limits the building gross floor area on the subject property to a maximum of 2,500 square feet, which has already been met by the existing church located near the rear of the subject property. The existing O-1 zoning designation also extremely limits the uses permitted on the subject property. The proposed C-3 (Commercial High Intensity) zoning designation would permit the applicant to construct the proposed building and would permit more office and commercial uses on the subject property. The existing church will not be affected by the proposed zone change.

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 | 0.97 ± acres | 0.97 ± acres | 0.50 acres minimum / no maximum |
| Lot Width | 150 ± feet | Unchanged | 60 feet minimum |
| Lot Depth | 300 ± feet | Unchanged | 70 feet minimum |
| Structure Height | 14 ± feet | 22 ± feet for the new building | 60 feet maximum |
| Setbacks | | | |
| Front | 149 ± feet minimum | 53 ± feet minimum | 15 feet minimum |
| Side | 17 ± feet minimum | 12 ± feet minimum | 5 feet minimum |
| Side | 83 ± feet minimum | Unchanged | 5 feet minimum |
| Rear | 68 ± feet minimum | Unchanged | 15 feet minimum |
| Accessory Structure | N/A | N/A | N/A |
| ROW Dedication | N/A | N/A | N/A |
| Landscaping | | | |
| % of property (less building pad & screened storage) | N/A | 15% | 15% |

TABLE 3: SPECIAL CHARACTERISTICS

| Characteristic | Applies to Project? | Explanation |
|----------------------------------|---------------------|--------------------------------------------------------------------------|
| EBID Facilities | Yes | The Del Rio Drain is directly east and adjacent to the subject property. |
| Medians/ Parkways Landscaping | No | |
| Other | N/A | |

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

| Location | Existing Use | Overlay District | Zoning Designation |
|------------------|--------------------|-------------------------------------------------|-------------------------------------------------------------|
| Subject Property | Church | N/A | O-1 (Office, Neighborhood-Limited Retail Service) |
| North | Vacant/Undeveloped | N/A | C-2C (Commercial Medium Intensity-Conditional) |
| South | Vacant/Undeveloped | Extra-Territorial Zone (Outside of City Limits) | ER-3 Residential District |
| East | Del Rio Drain | N/A | A-2 (Rural Agricultural District from the 1981 Zoning Code) |
| West | Vacant/Undeveloped | N/A | C-3 (Commercial High Intensity) |

TABLE 5: PARCEL HISTORY

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

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see attached.

| Department Name | Approval (Yes/ No) | Conditions (Yes/No) |
|-----------------------------------------------------------|--------------------|---------------------|
| CLC Development Services | Yes | No |
| CLC Long-Range Planning | No | No |
| Mesilla Valley Metropolitan Planning Organization (MVMPO) | Yes | No |
| CLC CD Engineering Services | Yes | Yes |
| CLC Traffic | No | No |
| CLC Land Management | Yes | No |
| CLC Parks | Yes | No |
| CLC Fire & Emergency Services | Yes | No |
| CLC Utilities | Yes | No |
| New Mexico Department of Transportation | Yes | Yes |

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;
- N. Conserve the values of buildings and land;

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

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

Applicable Comprehensive Plan 2040 Goals & Policies

As specified by the decision criteria listed above, the proposal should be in concert with Comprehensive Plan 2040. The following polices 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 O-1 (Office, Neighborhood- Limited Retail Service) to C-3 (Commercial High Intensity) is for a 0.97 ± acre lot located on the south side of Picacho Avenue approximately 970 ± feet east of the Rio Grande River. The majority of the existing parcel is currently underdeveloped with only a 2,500 ± square foot church located near the rear of the property. The applicant is seeking to construct a new 4,000 ± square foot building closer to the front of the subject property that can be used for office and commercial uses with warehousing capabilities. The proposed zone change to C-3 shall permit the construction of the new building and shall permit additional office and commercial uses on the subject property.

The property is adjacent to other properties with the proposed C-3 zoning designations, making it compatible with adjacent properties in terms of zoning. The proposed zone change may also help conserve or possibly increase the value of the existing building on the underdeveloped subject property and other surrounding properties. The subject property is also adjacent to Picacho Avenue, an existing Principal Arterial roadway, where high intensity commercial uses and zoning are encouraged.

Conclusion

The proposed zone change is supported by the Development Services Staff and several reviewing departments in the City of Las Cruces. Long-Range Planning does not support the proposed zone change to C-3 (Commercial High Intensity) for the subject property and has suggested a zone change to C-2 (Commercial Medium Intensity) or M-1/M-2 (Industrial Standard) instead due to the subject property's size and location. Development Services Staff believes that since the subject property is located adjacent to other C-3 zoned properties, is location along a Principal Arterial roadway, Picacho Avenue and meets all development standards of the C-3 zoning district, the proposed C-3 zoning designation is warranted. Traffic Engineering Staff also did not support the proposed zone change due to some issues. The issues outlined by Traffic Engineering Staff are relative to the actual development of the subject property and will be addressed during the permitting process. 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 zoning district is harmonious with and not out of character with the 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:

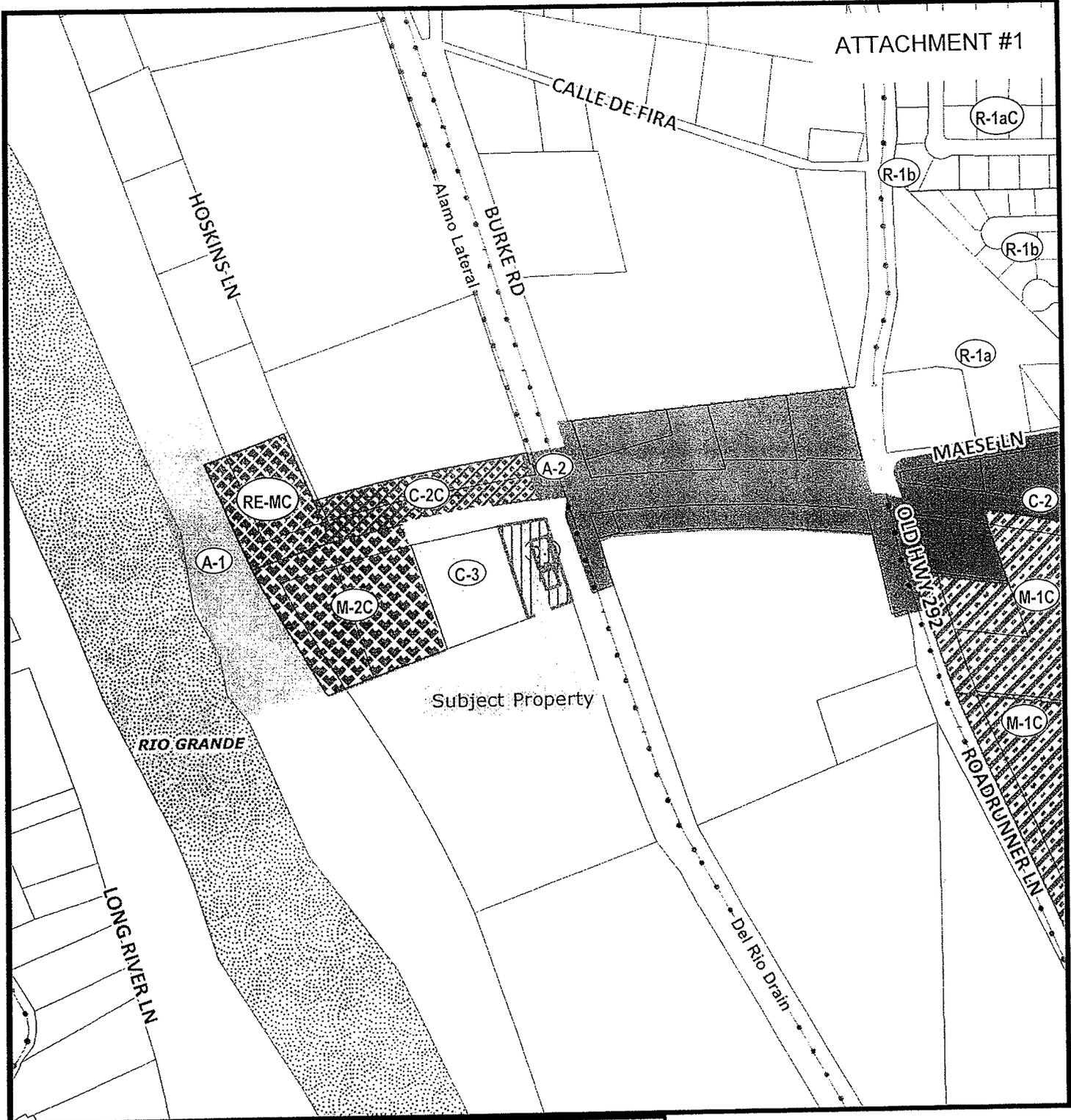
FINDINGS FOR APPROVAL

1. The subject parcel currently encompasses a total of 0.97 ± acres, is zoned O-1 (Office, Neighborhood-Limited Retail Service) and consists of a church.
2. The subject property is located along a Principal Arterial roadway where high intensity commercial uses and zoning such as the proposed C-3 zoning designation is encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
3. 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. Site Plan
5. Comprehensive Plan 2040 Policies
6. Reviewing Department/Agency Comments and/or Conditions

ATTACHMENT #1



Legend

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



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

ATTACHMENT #2

Subject Property

Legend

- Non Designated Trail
- ▬ Proposed Paved EBID
- - - Proposed Unpaved EBID
- City Parcel
- DAC_2010.ecw
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- ▬ Interstates_Highway
- EBID Water System
- +— Railroad
- ▨ Rio Grande

250 125 0
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: Jamie Dryden
 Contact Person: Tony Trevino
 Contact Phone Number: (575) 524-2007
 Contact e-mail Address: tony@engineersinc.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: 3401 W. Picacho Ave Zone Change
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Zone Change
 Location of Subject Property 3401 W. Picacho Ave
 (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: 0.97
 Detailed description of **current** use of property. Include type and number of buildings:
Unit 1- Church
Unit 2- Vacant
 Detailed description of **intended** use of property. (Use separate sheet if necessary):
Unit 1- Church to remain
Unit 2- owner to build his own boat inside
warehouse then split into two office/warehouse
spaces.
 Zoning of Subject Property: O-1
 Proposed Zoning (If applicable): C-3
 Proposed number of lots N/A, to be developed in N/A phase (s).
 Proposed square footage range of homes to be built from N/A to N/A

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

4,000 SF building @ 22' in height / existing building approx = 2,670 SF

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

8:00 AM - 5:00 pm

Anticipated traffic generation existing church = 25 / warehouse = 20 ^{45 total} trips per day. (week day)

Anticipated development schedule: work will commence on or about Jan. 2014

and will take 3 months to complete.

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

on-lot ponding

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

provided.

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

Is there existing landscaping on the property? No

Are there existing buffers on the property? No

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

If yes, is it paved? Yes X No ___

How many spaces? not striped How many accessible? Not Striped for Church.

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

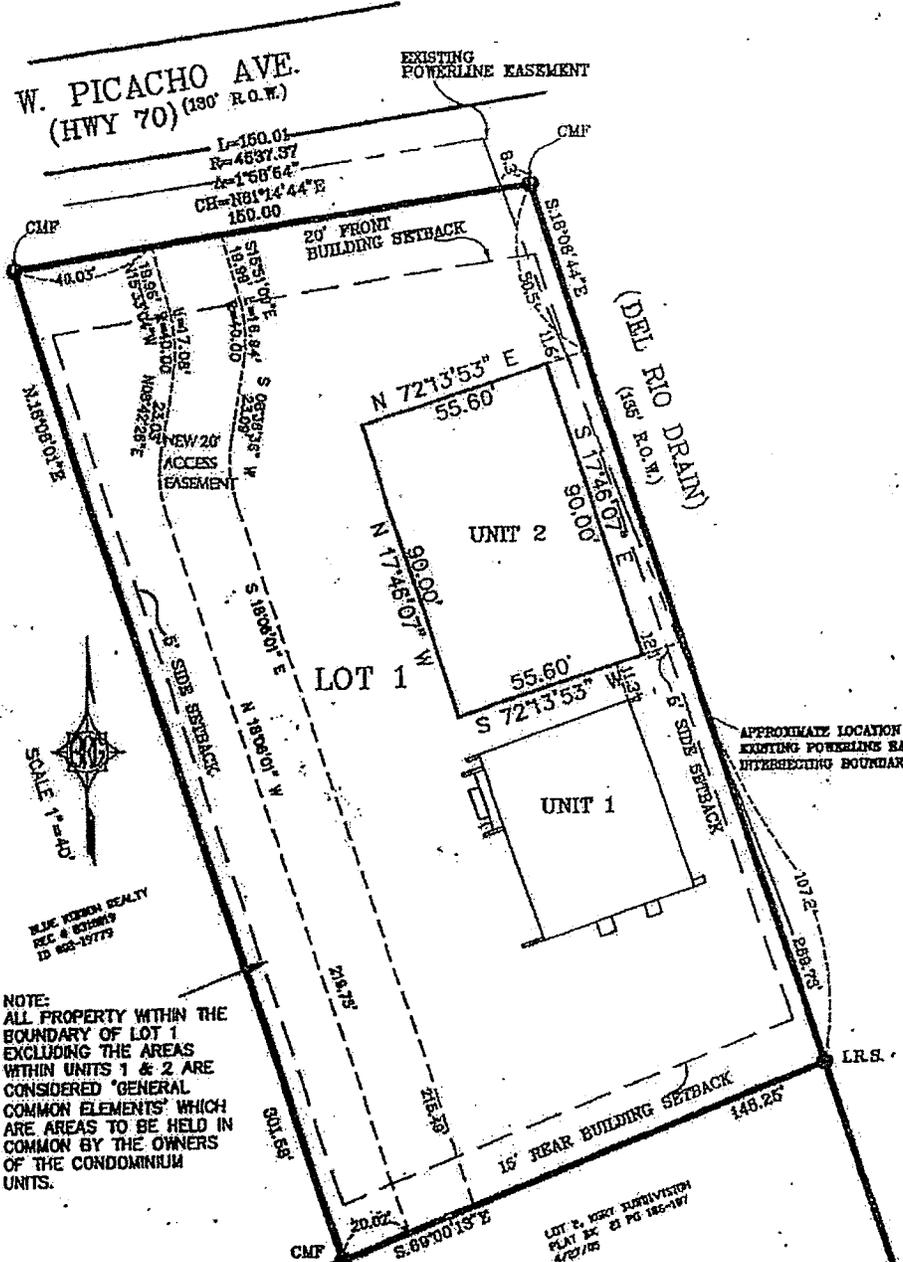
Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

KGRT SUBDIVISION; UNIT 2 CONDOMINIUM PLAT
 A SURVEY TO PREPARE A PLAT AND DESCRIPTION FOR A 2 UNIT CONDOMINIUM AS FILED IN THE
 DECLARATION OF KGRT SUBDIVISION CONDOMINIUM, BOOK _____ PAGE _____
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 WITHIN THE CITY OF LAS CRUCES AND THE E.T.Z.
 DONA ANA, NEW MEXICO
 SCALE: 1"=40' JULY 14, 2006

W. PICACHO AVE.
 (HWY 70) (130' R.O.W.)



NOTE:
 ALL PROPERTY WITHIN THE
 BOUNDARY OF LOT 1
 EXCLUDING THE AREAS
 WITHIN UNITS 1 & 2 ARE
 CONSIDERED 'GENERAL
 COMMON ELEMENTS' WHICH
 ARE AREAS TO BE HELD IN
 COMMON BY THE OWNERS
 OF THE CONDOMINIUM
 UNITS.

State of New Mexico
 County of Dona Ana, ss

RECEPTION NO. 26174
 I hereby certify that this
 instrument was filed for
 recording and duly recorded on
 at AUG 4 2006 PM
 at 4:32 o'clock
 Book 682 Page 131-140
 of the Records of said County.
 Rita Torres, County Clerk
 BY: [Signature] DEPUTY

LOT 2, KGRT SUBDIVISION
 PLAT BK 21 PG 185-187
 4/27/05



102
 106

Comprehensive Plan 2040 Policies

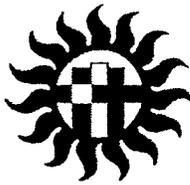
The following policies from Comprehensive Plan 2040 are relevant to the current proposals:

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.



City of Las Cruces¹¹⁴

PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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

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

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

Please review and return to the Community Development Department no later than [Dec. 18, 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: 12/18/13

REVIEWER NAME:

Adam Ochoa

REVIEWER CONTACT NO.:

83209

- While the property can be rezoned to C-2 since it is less than 1 acre in size, the proposed C-3 zoning designation can work for the subject property. The subject property is located along a Principal Arterial Roadway/State Highway and other similarly zoned properties are adjacent to it.

Z2868 (O-1 to C-3)

3401 W Picacho Ave

Advanced Planning Comments (Carol McCall)

Conclusions

This is a request for a zoning change from O-1 (neighborhood office) to C-3 (high intensity or "regional" commercial) for a 0.97-acre parcel located 1,000 feet east of the Rio Grande and at the edge of the city limits. It is surrounded by zoning districts ranging from C-3 to RE-MC to A-1. The land is mostly agricultural land and vacant lots, although it is immediately north of a lot of similar size which houses a local radio station.

For warehousing uses of the property, warehousing is an allowed use in all Office, Commercial and Industrial zones. There are conditions, however: in O-1, O-2 & C-1 zones, a maximum of 90% of the total square footage may be used for storage; in C-2, C-3, & MT zones, a maximum of 95% of total square footage may be used for storage. In other words, there must be an office or commercial use on the property as well. In M1/M2 zones, 100% of total square footage may be used for storage, so additional office or commercial is not necessary. (See 2001 Zoning Code as amended, Section 38-33H).

Regarding commercial uses for this property, at less than one acre, regional commercial development (C-3) would not be suitable (policies 32.3.a. & g., below). In addition, use of this intensity on a small lot would not adequately provide parking or circulation (policy 32.3.e., below). Also, the location does not seem conducive to multi-modal access since pedestrians and cyclists would have to travel quite a distance to get there, and the closest transit stop is about a half mile away (policy 32.3.c., below).

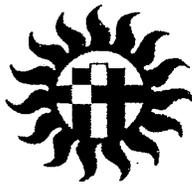
In summary, the proposal does not comply to Comp Plan 2040 policies below and advanced planning staff does not support the proposal. Staff advises a zone change to C-2 if commercial uses are desired (or warehousing/commercial) or change the zoning to M1/M2 if 100% warehousing is desired.

The following polices 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.

- 116
- 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.



¹¹⁷
City of Las Cruces
PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: **IMPO**

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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

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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: 12/18/13

REVIEWER NAME: Andrew Whang
REVIEWER CONTACT NO. 3070

No Comments

MPO REVIEW COMMENTS
 Planning and Zoning Commission Cases

Case #: Z2868

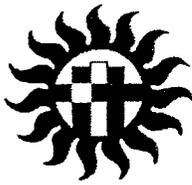
Date: December 11, 2013

Request: 3401 W. Picacho Avenue
 Zone Change O-1 to C-3

| MPO Thoroughfare | Dist. to Thor. | Functional Class | MTP Class | ROW Required | Dist. to Transit | AADT (year) | Current Bike Fac. | Planned Bike Fac. |
|------------------|----------------|------------------|-------------|--------------|------------------|--------------|-------------------|-------------------|
| Picacho | Adj | | Princip Act | 120' | | 13197 (2010) | Bike Lanes | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Recommended Conditions of Approval

Additional Comments



119
City of Las Cruces[®]
P E O P L E H E L P I N G P E O P L E

DATE: December 11, 2013
TO: **Engineering**
FROM: Adam Ochoa, Planner
CASE NO.: Z2868 (Review No.1)
SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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

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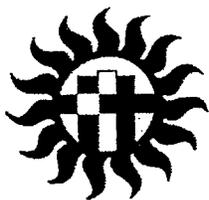
APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 12.13.13

REVIEWER NAME: Natasha Billy
REVIEWER CONTACT NO. 528-3491

See comments on next page.



Case Review Sheet

To: Engineering Services

Case #: Z2868

Date: December 11, 2013

Request: 3401 W. Picacho Avenue
 Zone Change O-1 to C-3

FLOOD ZONE DESIGNATION:

| | | |
|-------------|--------------------------------|-------|
| Zone A | (Flood elevation needed) | _____ |
| Zone AE | (Flood elevation known) | _____ |
| Zone AH | (Flood 1' - 3' ponding) | _____ |
| Zone AO | (Flood 1' - 3' - steep slopes) | _____ |
| Zone A99 | (100-year flood) | _____ |
| Zone X | | _____ |
| Zone X(500) | (500 Yr. flood zone) | _____ |
| Zone D | (Unknown flood determination) | _____ |

*DFIRM
 627E; proposed A-zone*

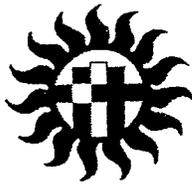
DEVELOPMENT IMPROVEMENTS:

| | | | |
|--------------------------------|-----------------------------------------|-----------------------------|------------------------------------------------------|
| Drainage Calculation needed | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Drainage Study needed | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> (0.97 acres) |
| Other drainage Impr. needed | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | |
| Sidewalk extension needed | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | |
| Curb & gutter extension needed | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | |
| Paving extension needed | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | |
| NMDOT permit needed | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | (Picacho is US HWY 70) |

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: *Conditional* Approval Denial

Based on the site; drainage & traffic standards must come into compliance. The ingress/egress appears to be over a drainage channel/culvert. Due to the proposed use, the culvert for the driveway may need to be upgraded. These...



121

City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: **Traffic**

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

RECEIVED
DEC 11 2013
TRAFFIC

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

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

APPROVED AS IS: YES **(NO)** *Per W.P. see comments in Memo.*

APPROVED WITH CONDITIONS:

DATE: 12/16/13 REVIEWER NAME: K. Espinoza
REVIEWER CONTACT NO. 2701

1. How much parking is required? Is it adequate for the number of uses for the church and office so that no offsite parking is required?
2. Stop sign at the driveway should be installed.

122
City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

TRAFFIC:

Case #: Z2868

Date: December 11, 2013

Request: 3401 W. Picacho Avenue
Zone Change O-1 to C-3

SITE ACCESSIBILITY: *

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

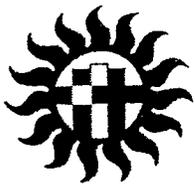
If yes, please provide findings: _____

***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 Per W.R.
See Comments
In memo



123
City of Las Cruces[®]
PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: **Land Management**

RECEIVED

FROM: Adam Ochoa, Planner

DEC 11 2013

CASE NO.: Z2868 (Review No.1)

**CITY OF LAS CRUCES
LAND MANAGEMENT**

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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

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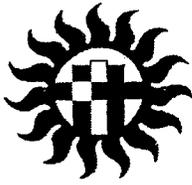
IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 12-19-13

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



124

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: **Parks**

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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

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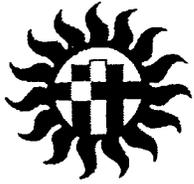
IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 12/13/13

REVIEWER NAME: [Signature]
REVIEWER CONTACT NO. 2536



125
City of Las Cruces[®]
PEOPLE HELPING PEOPLE

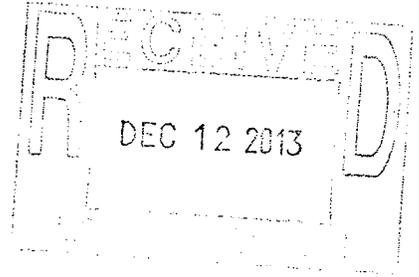
DATE: December 11, 2013

TO: **Fire**

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3



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APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 12/17/13

REVIEWER NAME: Willie Chas
REVIEWER CONTACT NO. 528-3473

126
City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

FIRE PREVENTION BUREAU:

Case #: Z2868

Date: December 11, 2013

Request: 3401 W. Picacho Avenue
Zone Change O-1 to C-3

ACCESSIBILITY ISSUES: *

CONCERN

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

Type of Building Occupancy: Assembly

Closest fire department that will service this property:

Name LCFD Fire Station 3

Address/ Location 390 N. Valley Dr.

Distance from subject property (miles) 2 miles

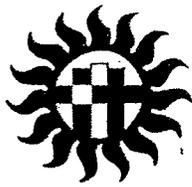
Adequate capacity to accommodate proposal? Yes No

Explain: _____

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial



127
City of Las Cruces[®]
PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: **Utilities**

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 12/18/13

REVIEWER NAME: *John P. ...*
REVIEWER CONTACT NO. 528-3835

No water rights issues F.O. 12/13/13

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: Z2068 DATE: 12/10/13

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 _____

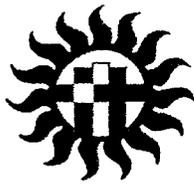
*** To receive City utility service to this property, the responsible property owner/applicant/subdivider is responsible for (1) the acquisition of all necessary water, sewer, and gas easements, (2) the construction of all necessary utility lines, and (3) compliance with all applicable City of Las Cruces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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial _____

Additional comments: _____





129

City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: December 11, 2013

TO: **NM DOT**

FROM: Adam Ochoa, Planner

CASE NO.: Z2868 (Review No.1)

SUBJECT: 3401 W. Picacho Avenue
Zone Change of O-1 to C-3

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APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: *Subject to obtain Access permit prior to development.*

DATE: 12/20/13 REVIEWER NAME: Maria Hingos

REVIEWER CONTACT NO. 544-6544

130
City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

NMDOT:

Case #: Z2868

Date: December 11, 2013

Request: 3401 W. Picacho Avenue
Zone Change O-1 to C-3

Which state highway systems are adjacent to the subject property? US 70 Picacho Ave.

Is a driveway permit from NMDOT required? Yes No

Explain: Will require an access permit prior to development.
will generate traffic that may impact DR highway system,

COMMENTS:

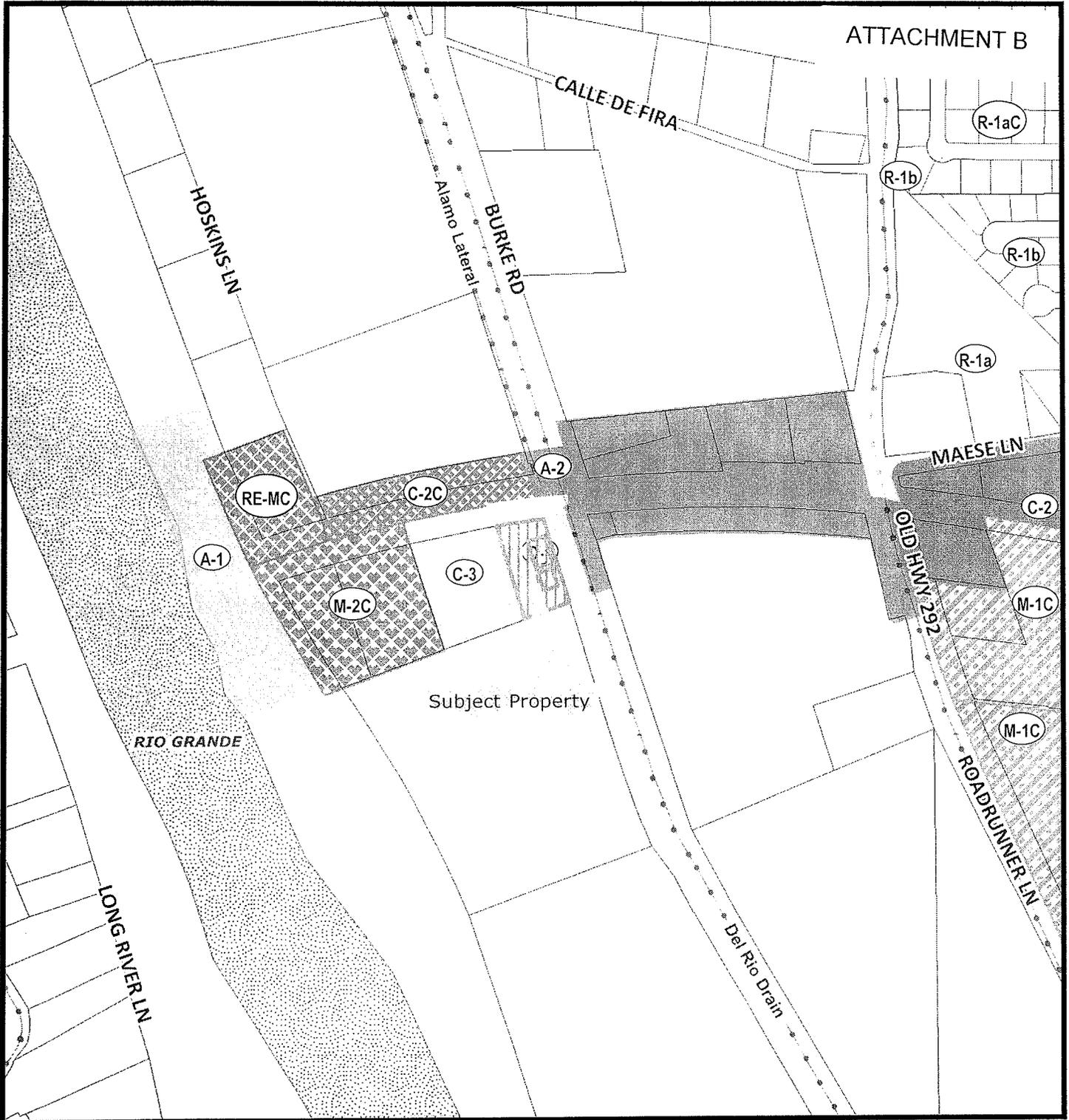
RECOMMENDATION: APPROVAL DENIAL

ZONING: O-1 TO C-3
OWNER: JAMIE DRYDEN

131
Location Vicinity Map

PARCEL: 02-36849
DATE: 12/06/2013

ATTACHMENT B



Legend

- Interstates_Highway
- EBID Water System
- Railroad
- Rio Grande

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.