# City of Las Cruces®
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## Council Action and Executive Summary

**Item #** 15 **Ordinance/Resolution#** 2716

**For Meeting of** May 19, 2014 (Ordinance First Reading Date)

**For Meeting of** June 2, 2014 (Adoption Date)

**Please check box that applies to this item:**

☒ QUASI JUDICIAL ☐ LEGISLATIVE ☐ ADMINISTRATIVE

**TITLE:** **AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCELS 02-19544 LOCATED AT 5110 PORTER DRIVE, 02-19541 AT 6121 REYNOLDS DRIVE, 02-19537 AT 6141 REYNOLDS DRIVE, 02-19535 AT 6151 REYNOLDS DRIVE, 02-28347 AT 6171 REYNOLDS DRIVE, 02-28345 AT 6251 REYNOLDS DRIVE, 02-28348 AT 6191 REYNOLDS DRIVE AND 02-28346 AT 6221 REYNOLDS DRIVE, FOR A TOTAL OF 5.41- ACRES, FROM R-4 (MULTI-DWELLING HIGH DENSITY AND LIMITED RETAIL AND OFFICE USE) TO C-3C (HIGH INTENSITY COMMERCIAL, CONDITIONAL) DISTRICT. SUBMITTED BY THE PROPERTY OWNER, CITY OF LAS CRUCES.**

**PURPOSE(S) OF ACTION:**

Zone Change.

| COUNCIL DISTRICT: 5 | | |
|---|---|---|
| **Drafter/Staff Contact:** Susana Montana, Planner | **Department/Section:** Community Development/ Building and Development Services | **Phone:** 528-3207 |
| **City Manager Signature:** | | |

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

The eight parcels are owned by the City and the City intends to use the property for public purposes. The current R-4 residential zoning does not allow City-sponsored park, community garden, recreational activities, institutional office or public safety office uses. The proposed limited C-3C uses would allow those land uses which would support the Sage Café and the East Mesa Bataan Memorial Pool currently located at the property as well as allow future parks, recreation and other potential City uses on the five vacant lots within the rezoning area.

On March 25, 2013, the Planning and Zoning Commission held a public hearing to consider the rezoning request. Neighbors of the rezoning area commented that they would like the City to exclude certain open storage uses proposed for the C-3C District due to potential for noise, dust

(Continue on additional sheets as required)

and traffic impacts associated with those uses. The Commission agreed with the neighbors and recommended to the City Council that certain warehousing, transportation and open storage uses be excluded from the C-3C District. Subsequent to the Commission meeting, Parks/ Facilities and Land Management staff agreed to remove those uses from the proposed C-3C District. The list of land uses proposed for the C-3C District shown in Exhibit "B" of the rezoning Ordinance reflects the Commission's recommendation.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", List of Properties to be Rezoned C-3C.
3. Exhibit "B", Land Uses Allowed in the C-3C Designation.
4. Exhibit "C", Findings for Approval.
5. Attachment "A", Map of Rezoning Area.
6. Attachment "B", Staff Report to the Planning and Zoning Commission.
7. Attachment "C", Notice of Decision by the Planning and Zoning Commission.
8. Attachment "D", Draft Minutes from the March 25, 2014 Planning and Zoning Commission meeting.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A

**FUND EXPENDITURE SUMMARY:**

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

(Continue on additional sheets as required)

| | | | | | |
|---|---|---|---|---|---|
| | | | | | |

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this would affirm the Planning and Zoning Commission's recommendation for conditional-approval of the rezoning Ordinance. The subject 5.41 acre land area would be rezoned from R-4 to C-3C with the land uses noted in Exhibit "B".
2. Vote "No"; this would reverse the recommendation by the Planning and Zoning Commission for conditional- approval of the rezoning Ordinance. The current R-4 zoning would remain.
3. Vote to "Amend"; this would allow the City Council to modify the Ordinance by adding a permitted land use, a condition, or a limitation to the rezoning Ordinance.
4. Vote to "Table"; this would allow the City Council to table/postpone action on the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION:**

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

1. N/A

(Continue on additional sheets as required)

**COUNCIL BILL NO.** 14-031
**ORDINANCE NO.** 2716

**AN ORDINANCE APPROVING A ZONE CHANGE FOR PARCELS 02-19544 LOCATED AT 5110 PORTER DRIVE, 02-19541 AT 6121 REYNOLDS DRIVE, 02-19537 AT 6141 REYNOLDS DRIVE, 02-19535 AT 6151 REYNOLDS DRIVE, 02-28347 AT 6171 REYNOLDS DRIVE, 02-28345 AT 6251 REYNOLDS DRIVE, 02-28348 AT 6191 REYNOLDS DRIVE AND 02-28346 AT 6221 REYNOLDS DRIVE, FOR A TOTAL OF 5.41- ACRES, FROM R-4 (MULTI-DWELLING HIGH DENSITY AND LIMITED RETAIL AND OFFICE USE) TO C-3C (HIGH INTENSITY COMMERCIAL, CONDITIONAL) DISTRICT. SUBMITTED BY THE PROPERTY OWNER, CITY OF LAS CRUCES.**

The City Council is informed that:

**WHEREAS,** the City of Las Cruces, owner of the eight parcels totaling 5.41 acres located at Porter Drive and Reynolds Drive, seeks to change the zoning of the property from R-4 (Multi-Dwelling High Density Residential and Limited Retail and Office Use) to a C-3C (High Intensity Commercial, Conditional) designation; and

**WHEREAS,** the limited C-3C zoning would allow land uses that support the existing Sage Café Senior Center and East Mesa Bataan Memorial Pool located on the Site and would allow additional parks, community gardens, recreational, institutional and public safety office uses on the parcels; and

**WHEREAS,** the Planning and Zoning Commission, after conducting a duly-noticed public hearing on March 25, 2014, recommended that said zone change request be conditionally-approved by a 5 to 0 vote (Commissioner Ferrary absent and the Mayoral appointment vacant).

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

**(I)**

**THAT** Parcels 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346, more particularly described in Exhibit "A," attached hereto and

made part of this Ordinance, are hereby zoned C-3C (High Intensity Commercial, Conditional) limited to the uses noted in Exhibit "B," attached hereto and made part of this Ordinance.

**(II)**

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

**(III)**

**THAT** the zoning of said property shall 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: _____

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

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

All properties are owned by the City of Las Cruces:

Subject Property Address: 5110 Porter Drive
Parcel Code No: PC# 02-19544
Property Tax ID #: 02-I 4-012-129-009-473
Legal Description & acreage: Lot 1 Hacienda Acres – 0.48 acre

Subject Property Address: 6121 Reynolds Drive
Parcel Code No: PC# 02-19541
Property Tax ID #: 02-I 4-012-129-017-467
Legal Description & acreage: Lot 2 Hacienda Acres – 0.49 acre

Subject Property Address: 6141 Reynolds Drive
Parcel Code No: PC# 02-19537
Property Tax ID #: 02-I 4-012-129-044-454
Legal Description & acreage: Lot 3 & 4 Hacienda Acres – 1.2 acre

Subject Property Address: 6151 Reynolds Drive
Parcel Code No: PC# 02-19535
Property Tax ID #: 02-I 4-012-129-065-447
Legal Description & acreage: Lot 5 Hacienda Acres – 0.79 acre

Subject Property Address: 6171 Reynolds Drive
Parcel Code No: PC# 02-28347
Property Tax ID #: 02-I 4-012-129-086-440
Legal Description & acreage: Lot 6 & 7 Hacienda Acres – 1.53 acre

Subject Property Address: 6251 Reynolds Drive
Parcel Code No: PC# 02-28345
Property Tax ID #: 02-I 4-012-129-110-430
Legal Description & acreage: Lot 8 Hacienda Acres – 0.8 acre

Subject Property Address: 6191 Reynolds Drive
Parcel Code No: PC# 02-28348
Property Tax ID # 02-I 4-012-129-086-439
Legal Description & acreage: Hacienda Acres – 0.06 acre

Subject Property Address: 6221 Reynolds Drive
Parcel Code No: PC#02-28346
Property Tax ID# 02-I 4-012-129-110-427
Legal Description & acreage: Hacienda Acres – 0.13 acre

Exhibit "B"

C-3-C - COMMERCIAL HIGH INTENSITY CONDITIONAL LAND USES. The following C-3 district land uses would be allowed within the proposed district to facilitate and encourage development of those uses which support City-sponsored parks, community gardens, recreational, public service, public safety and institutional uses within the subject properties.

## LAND USES ALLOWED

INSTITUTIONAL LAND USES (See Section 38-33D)
- Child Care Center or Preschool
- Community Buildings - Uses
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)
- Arcade/Game Room
- Batting Cages
- Billiard/Pool Hall
- Bowling Alley
- Golf Course, Miniature
- Health/Exercise Club/Gymnasium/Sports Instruction
- Recreational Courts, e.g., Tennis (Public)
- Zoo/Botanical Park/Community Garden

SERVICE LAND USES (See Section 38-33F)
- Art Studio
- Consulting
- Counseling Services
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Legal Services
- Lessons (Art, Dance, Music, etc.)
- Motion Picture Production

RETAIL LAND USES (See Section 38-33G)
- Bar/Night Club (Dancing) on an occasional basis, particularly for Senior Citizens
- Café, Cafeteria, Coffee Shop, Restaurant, etc.
- Delicatessen, Produce/Meat Market

## LAND USES ALLOWED WITH CONDITIONS

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)
- Amusement Park (Temporary)
- Archery Range – Indoor
- Firing Range - Indoor
- Park
- Sports Arena/Field/Course, Commercial
- Swimming Pool, Commercial or Public

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)
- Construction Yard or Building(s), Temporary

## LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)
- Antenna, Towers, Communication Structures, and Other Vertical Structures

Exhibit "C"

**Case No. Z2870**; Rezoning City Property from R-4 to C-3C for Parcels 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346.

# Findings for Approval:

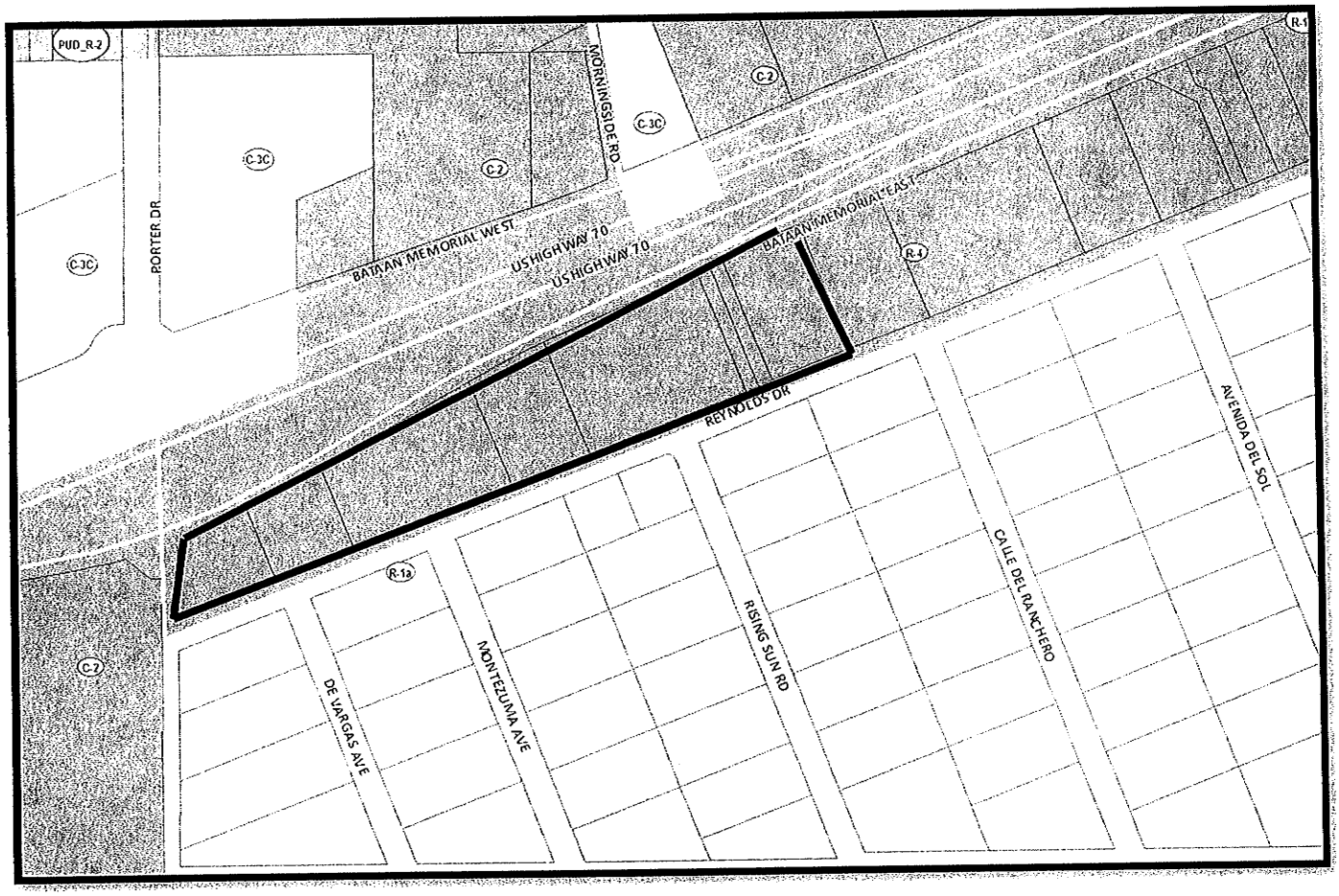
1. Based upon the evaluation of applicable City codes and plans by the relevant departments, the C-3C zoning designation, with the amendment as recommended by the Commission as noted below, would minimize or eliminate off-site impacts of City-sponsored development or land uses on the eight subject properties which would positively address applicable Zoning Code Intent and Purpose Statements and Planning and Zoning Commission decision criteria.

2. Based upon the evaluation of the proposal by relevant City departments, the rezoning, with the recommended amendment noted below, would allow the City to provide recreational activities and land uses which would support those activities on the subject properties; this would positively address relevant City Comprehensive Plan goals and policies.

3. The rezoning would allow the City to develop institutional land uses that would support public services in the area; this would address the following New Mexico case law rezoning criteria:

    - Changed neighborhood or community conditions justify the change; and
    - A different use category is more advantageous to the community, as articulated in the Comprehensive Plan because:
        - there is a public need for a change of the kind in question, and
        - that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Attachment "A"




Map of Zoning Area
8 subject parcels lie within the lined area

Attachment "B"

**City of Las Cruces®**
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**Planning & Zoning Commission Staff Report**

**Meeting Date: March 25, 2014**
**Drafted by: Susana Montana, Planner**

| | | | |
|---|---|---|---|
| **CASE #** | Z2870 | **PROJECT NAME:** | 5110 Porter Drive |
| **APPLICANT/ REPRESENTATIVE:** | Bill Hamm, Land Manager for the City of Las Cruces | **PROPERTY OWNER:** | City of Las Cruces |
| **LOCATION:** | 5110 Porter Drive to 6251 Reynolds Drive | **COUNCIL DISTRICT:** | 5 (Sorg) |
| **SIZE:** | 5.41 acres for the 8 parcels | **EXISTING ZONING/ OVERLAY:** | R-4, Multi-dwelling, High Density & Limited Retail and Office Use |

**REQUEST/ APPLICATION TYPE:** Rezone 8 City-owned parcels from R-4 to a limited C-3C (High Intensity Commercial) District to accommodate City-sponsored recreational activities, institutional uses such as public safety offices, and storage of equipment and supplies on Parcels 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348, 02-28346 for a total of 5.41 acres of land.

**EXISTING USE(S):** City-sponsored recreational activities including a swimming pool, and senior center, a restaurant within the senior center, a park, landscaped open space and vacant lands.

**PROPOSED USE(S):** City-sponsored recreational activities, institutional uses, a restaurant within the senior center, and outdoor storage of equipment and materials.

**STAFF RECOMMENDATION:** Approval based on the findings noted below in Section 3 on page 10.

**TABLE 1: CASE CHRONOLOGY**

| Date | Action |
|---|---|
| 2/10/2014 | Application submitted to Development Services |
| 2/12/2014 | Case sent out for review to all reviewing departments |
| | All comments returned by all reviewing departments |
| | Staff reviews and recommends approval of the zone change |
| | Newspaper advertisement |
| | Public notice letter mailed to neighboring property owners |
| | Sign posted on property |
| | Planning and Zoning Commission public hearing |

## SECTION 1: SYNOPSIS OF PROPOSAL

The City is proposing a zone change from R-4 Multi-dwelling, High Density & Limited Retail and Office Use, to C-3C, High Intensity Commercial Conditional, on eight contiguous properties (see Attachment 2) in order to plan for future institutional uses and be compliant with current uses. Three of the properties are in active recreational use (senior center and swimming facility); one is a landscaped open space area; one has a portion of the land devoted to parking for the swim facility; and three are vacant lands. The senior center opened in December 2013. The building was formerly used as a church. The center has a room that is used for physical exercise for seniors, games and hobby crafts as well as a small library and a computer lab. There is also a central open area that is devoted to food service and dining.

The limited land uses proposed as part of the C-3C zoning would allow for the café/dining use and the recreational and educational programs currently being offered at the City's Senior Center located at 6121 Reynolds Drive on Parcel 02-19541 (see Attachment 1). The limited permitted land uses listed in Table 2, below, and Attachment 4 include a "Bar/Nightclub (Dancing)" land use which would allow the senior center to hold dances with recorded or live music for their elder clients. It would also allow the sale of beer and wine to patrons of special events held within the senior center. However, this land use would not allow a private nightclub, bar or dancehall that would be open to the general public.

## TABLE 2: PROPOSED LAND USES FOR THE SUBJECT PARCELS

Land Uses: A= allowed; C=allowed with conditions; SUP= Special Use requires Planning Commission approval; and NP= use is not permitted.

| PROPOSED C-3C USES | USES PERMITTED IN R-4 | USES EXISTING ON PROPERTY |
|---|---|---|
| Child care center, preschool | A | No |
| Community buildings, uses | A | Yes |
| Library, museum | A | Yes, a small library branch in the senior center |
| Arcade/game room | NP | No |
| Batting cages | NP | No |
| Billiard/pool hall | NP | No |
| Bowling alley | NP | No |
| Golf course, miniature | NP | No |
| Health/ exercise club/ gymnasium/ sports instruction | A | Yes, in the senior center |
| Recreation courts, public | A | No |
| Zoo/ botanical park | C= must be on a minor arterial or higher classification road | No |
| Art studio | NP | No |
| Consulting | NP | No |
| Counseling services | NP | No |
| Institutional office: public, private, educational, religious & philanthropic | NP | No |
| Legal services | C=permitted on ground floor only and limited to 1,500 sf per establishment; and no more | No |

| | | |
|---|---|---|
| | than 35% of floor area of all the buildings on the property is allowed in this use. | |
| Lessons(art, dance, music, etc.) | NP | Yes, in the senior center |
| Motion picture production | NP | No |
| Bar/night club (dancing) on an occasional basis, particularly for Senior Citizens | NP | No, but café in the senior center wishes to have the ability to serve beer and wine at special events (by hiring a caterer with a liquor license) and may seniors wish to hold dances with amplified live and recorded music |
| Café, cafeteria, coffee shop, restaurant, etc. | NP | Yes, in the senior center |
| Delicatessen, produce/meat market | NP | No |
| Bus terminal | NP | No |
| Parking facilities, commercial (garages & private parking lots) | C= must be located within 500 feet of commercial uses; must be landscaped. | No |
| Amusement park (temporary) | NP | No |
| Archery range—Indoor | NP | No |
| Firing range--Indoor | NP | No |
| Park | Neighborhood parks must be 10 acres in size. | Yes, a landscaped seating area located between the senior center and the swimming pool facility but only about 17,000 sf in size. |
| Sports Arena/Field/Course, Commercial | NP | No |
| Swimming pool, commercial or public | C=fencing required. | Yes |
| Flea market | NP | No |
| Seasonal sales—non-temporary (fireworks, agricultural products, snow cone stand, etc.) | NP | No |
| Storage outside of buildings of materials, equipment, and supplies nor for sale | NP | No |
| Storage, warehousing accessory to Office, Retail Service or Industry | NP | No |
| Construction yard or buildings (temporary) | C=open yard shall be fenced; all materials and structures shall be removed at the completion of construction activity | No |
| Antenna, towers, communication structures and other vertical structures | SUP; must meet requirements of Sec. 38-59 of the City's Zoning Code. | No |
| Public/private utility installation | C=shall be screened with fence or wall | No |

## TABLE 3: DEVELOPMENT & SITE CHARACTERISTICS

| PARCEL | ADDRESS | CURRENT DEVELOPMENT |
|---|---|---|
| 02-19544 | 5110 Porter Drive | Landscaped open space |
| 02-19541 | 6121 Reynolds Drive | Senior Center |
| 02-19537 | 6141 Reynolds Drive | East Mesa swimming pool |
| 02-19535 | 6151 Reynolds Drive | East Mesa swimming pool center and parking lot |
| 02-28347 | 6171 Reynolds Drive | Portion of the swimming pool parking lot; vacant land |
| 02-28348 | 6191 Reynolds Drive | Vacant lot |
| 02-28346 | 6221 Reynolds Drive | Vacant lot |
| 02-28345 | 6261 Reynolds Drive | Vacant lot |

## TABLE 4: SPECIAL CHARACTERISTICS

| Characteristic | Applies to Project? | Explanation |
|---|---|---|
| Ebid facilities | No | |
| Medians/ parkways landscaping | No | |

## TABLE 5: ADJACENT ZONING AND LAND USE INFORMATION

| Location | Existing Use | Zoning Designation |
|---|---|---|
| Subject Property | Senior Center and vacant property | R-4, Multi-dwelling, High Density & Limited Retail and Office Use |
| North | Hwy 70 and Bataan Memorial East roads | R-4 |
| South | Single-family homes | R-1a, Medium-density single-family residential |
| East | Vacant lot and further east is the Kingdom Hall of Jehovah's Witnesses church | R-4 |
| West | City-owned Fire Station No. 5 and East Mesa Recreation Center building, playground and ball field | C-2, Medium intensity commercial |

## TABLE 6: PARCEL LAND USE HISTORY

| Number | Status |
|---|---|
| Permits | Plumbing permit for 6121 Reynolds Drive Senior Center building adding a 6 inch water line in 2010;<br>Plumbing permit for 6141 Reynolds Drive swimming pool in 2010; |
| Subdivision | Hacienda Acres (Revised), Recorded August 1961 |
| Subdivision Replat | Hacienda Acres Summary Subdivision No. 7—lot line vacation to merge four parcels and a portion of another parcel into one City-owned parcel; submitted in 2008 by the City and never completed or approved; Case No. S-08-046 for Parcels 02-19544, 02-19541, 02-19537, 02-19535 and a portion of Parcel 02-28347. |
| Ordinance No. 697 | Initial zoning to R-4 pursuant to US 70/East Mesa Annexation of Site |

## SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

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

| Department Name | Approval (Yes/No) | Conditions (Yes/No) |
|---|---|---|
| CLC Development Services | Yes | No |
| CLC Long-Range Planning | Yes | No |
| Metropolitan Planning Organization (MPO) | Yes | No |
| CLC CD Engineering Services | Yes | Yes: Development of vacant land must meet City Drainage Standards; development of 3-acres or more requires a drainage report; A NMDOT permit is needed for access to Bataan Memorial East. |
| CLC Traffic | Yes | Yes: All driveways must meet ADA standards and City standards; a NMDOT permit is needed for access to Bataan Memorial East. |
| CLC Surveyor | Yes | No |
| CLC Land Management | Yes | No |
| CLC Parks | Yes | No |
| CLC Fire & Emergency Services | Yes | No |
| CLC Police | Yes | No |
| CLC Utilities | Yes | No: water is provided by Jornada Water Co. |
| Las Cruces Public Schools | Yes | No |
| New Mexico Department of Transportation | Yes | As long as access is provided from Reynolds Drive, NMDOT has no conditions. If access is provided to any of the 8 parcels from Bataan Memorial East (US 70 frontage road), then a permit from NMDOT is required. |

## SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Although the City's Zoning Code does not outline criteria specific to the evaluation of a rezoning application, the Planning and Zoning Commission is obligated to analyze projects and make decisions utilizing: (1) Relevant policies noted in the City of Las Cruces Comprehensive Plan; (2) relevant Purposes and Intent statements in the City's Zoning Code; (3) relevant Criteria for Decisions by the Planning and Zoning Commission in the Las Cruces Municipal Code; and (4) relevant New Mexico State case law. Please refer to the *Analysis* and *Conclusion* sections below for an evaluation of the proposed rezoning against the relevant policies, purpose statements and decision criteria noted below.

***Applicable Comprehensive Plan Elements & Policies***

***Chapter 4 Healthy Community***

Balanced Development Element

*Goal 1:Encourage mixed use development.*

*Policy 1.1: Encourage development using the mixed use concept of this Comprehensive Plan, such as developing compatible non-residential uses within walking distance of existing residential areas.*

*Policy 1.4: Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.*

Great Parks & Recreation Element

*Goal 4: Enhance the quantity and quality of parks programs, and associated facilities to satisfy the recreational, cultural, and educational needs of residents.*

*Policy 4.1: Increase the number of existing facilities in an existing park where needed as per the Parks & Recreation Master Plan, as amended.*

*Policy 4.2: Introduce new facilities in existing parks as found within the Parks & Recreation Master Plan, as amended.*

*Policy 5.1: Encourage parks and multi-use activity/recreational fields (functional open space) in conveniently located areas.*

*Policy 5.6: Locate City facilities in areas most appropriate to their primary function so that they may better serve their target populations.*

*Policy 5.8: Provide a variety of recreational opportunities to meet the various needs in Las Cruces.*

Wide-Ranging Community Facilities & Services Element

*Goal 6:Ensure a safe and secure community through the provision of high quality, effective and efficient public safety services.*

*Policy 6.3: Plan future public safety locations where growth is anticipated and/or in accordance with policies of this Comprehensive Plan.*

*Policy 6.7: Continue and expand community policing and Neighborhood Watch programs as a means of increasing and strengthening crime prevention strategies.*

*Goal 7:Provide a balance of community, social and cultural services that meet the needs of all segments of the community.*

*Policy 7.3: Promote and maintain a balanced system of community and social services for the health, safety and welfare of all Las Cruces' residents.*

*Policy 7.10 Expand and continue to support programs directed at Las Cruces' citizens to provide strong, positive influences when feasible.*

*g. Expand senior citizen's facilities and activities when feasible.*

***Chapter 7 Sustainable Growth***

*Vibrant Planning Areas, Neighborhoods, & Districts Element*

*Policy: 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.*

*Policy: 32.5 The City shall encourage the development of new commercial uses in the East Mesa area.*

***Chapter 8 Operational Support***

*Active Cooperation & Engagement Element*

*Goal 47: Coordination and cooperate with providers of community services.*

*Policy 47.1: Work cooperatively with community-oriented agencies and organizations which provide community programs, services, or activities in order to maximize their availability to residents.*

*Policy 47.4: Continue to investigate increased outreach to and cooperative arrangements with various segments of the community, including: the Spanish- speaking community, youth, public schools, higher education, senior citizens, and the business community.*

*Responsive Processes Element*

*Goal 49: Establish procedural and development requirements.*

*Policy 49.7: Require zoning actions to be in general conformance with this Comprehensive Plan.*

*Policy 49.8: Do demonstration projects on City owned or sponsored projects.*

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

The Purpose and Intent Statements relevant to the proposal are:

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements, which are designed to:
    - Mitigate congestion in the streets and public ways.
    - Prevent overcrowding of land.
    - Avoid undue concentration of population.
    - Control and abate the unsightly use of buildings or land.
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
- Ensure that development proposals are sensitive to the character of existing neighborhoods.
- Conserve the value of buildings and land.
- Mitigate conflicts among neighbors.

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

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

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

***Case Law Rezoning Criteria Considerations***

Based on case law (Miller v. Albuquerque, Davis v. Albuquerque, & Albuquerque Commons Partnership v. Albuquerque), the following criteria should be considered for rezoning applications. The existing zoning is inappropriate and should be changed because

1. There was an error when the existing zone 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 City master plan, even though (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.

***Analysis***

This is a City-initiated rezoning request from the current R-4 designation to a limited C-3 (C-3C) designation for eight parcels of City-owned land adjacent to Fire Station 5 at Bataan Memorial East, Porter Drive and Reynolds Drive. Five of the parcels are undeveloped. The zone change would accommodate the following *existing* activities which are not permitted in the R-4 District:

- operation of a café in the senior center;
- provision of arts and crafts classes and similar lessons; and
- provision of a neighborhood park of less than 10-acres in size.

The limited C-3 uses noted in Table 2 would allow future City-sponsored institutional and recreational uses. It is noted that there is a C-2 zone located immediately west of the subject properties where Fire Station No. 5 and the East Mesa Recreation Center and play fields are located. The City considered the feasibility of extending the C-2 District to the subject parcels but found that this would not be appropriate because the C-2 District limits lot size to one-acre or less. Two of the subject parcels are greater than 1 acre in size and, combined, the land is 5.41-acres in size. In addition, the C-2 zoning would not allow the following land uses that the City seeks to allow within the proposed limited C-3C district: (1) dancing in the senior center (bar/nightclub with dancing); (2) the serving of beer and wine to patrons of special events held in the senior center (bar); (3) a bus terminal on one of the vacant parcels; (4) indoor archery and firing range facility; (5) a sports field or arena; and (6) a flea market. For these reasons, a request to extend the adjacent C-2 District designation to the subject parcels was deemed inappropriate. The limited C-3C zoning was deemed by the City's Land Management Department to be the most appropriate zoning designation for the subject parcels.

The C-3C zoning allows the uses listed in Table 2 and Attachment 4 as principal permitted uses with the exception of antennas, towers, communication structures which remain a Special Use requiring Planning and Zoning Commission authorization. Typical C-3 District land uses that are not listed in Table 2 and Attachment 4 would not be permitted on the subject parcels. The limitation on land uses is the "condition" of the C-3C zone. The Applicant limited the land uses to those that would provide the needed institutional uses for the City and to satisfy the existing and anticipated future demand for recreational, public safety and institutional activities and facilities on the property. The uses were limited to those which are believed would *not* generate noise, dust, fumes, parking congestion or traffic congestion to the Site or neighborhood and would not introduce an incompatible land use or activity to the mixed residential neighborhood. The neighborhood is characterized by a mixture of single-family homes and four-plex residential structures on half-acre lots utilizing septic systems. There is a 2-acre park, a senior center, an aquatic center, and a Fire Station within the neighborhood as well as four churches.

Two of the parcels are vacated road rights-of-way and, individually, are less than the minimum lot size required for a C-3 zone. The City has a pending Subdivision replat application pending

to combine the smaller lots into one lot (Case No. S-08-046); this would bring the smaller lots into conformity with the C-3 minimum lot size of one-half acre; there is no maximum lot size for C-3 zones.

***Conclusion***

The proposed rezoning would allow the City to provide needed recreational, educational, social service and public safety services and facilities to the neighborhood. It would also allow the City to use the vacant lands for maintenance and storage of City equipment and vehicles if needed in the future. The limitation of land uses in the C-3C designation would minimize off-site impacts to the neighborhood.

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project based on the findings noted below.

## FINDINGS FOR APPROVAL

1. Based upon the evaluation of applicable City codes and plans by the relevant departments, the C-3C zoning designation would minimize or eliminate off-site impacts of City-sponsored development or land uses on the eight subject properties which would positively address applicable Zoning Code Intent and Purpose Statements and Planning and Zoning Commission decision criteria.
2. Based upon the evaluation of the proposal by relevant City departments, the rezoning would allow the City to provide recreational activities and land uses which would support those activities on the subject properties; this would positively address relevant City Comprehensive Plan goals and policies.
3. The rezoning would allow the City to develop institutional land uses that would support public services in the area; this would address the following New Mexico case law rezoning criteria:
    - Changed neighborhood or community conditions justify the change; or
    - A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply, because
        - there is a public need for a change of the kind in question, and
        - that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

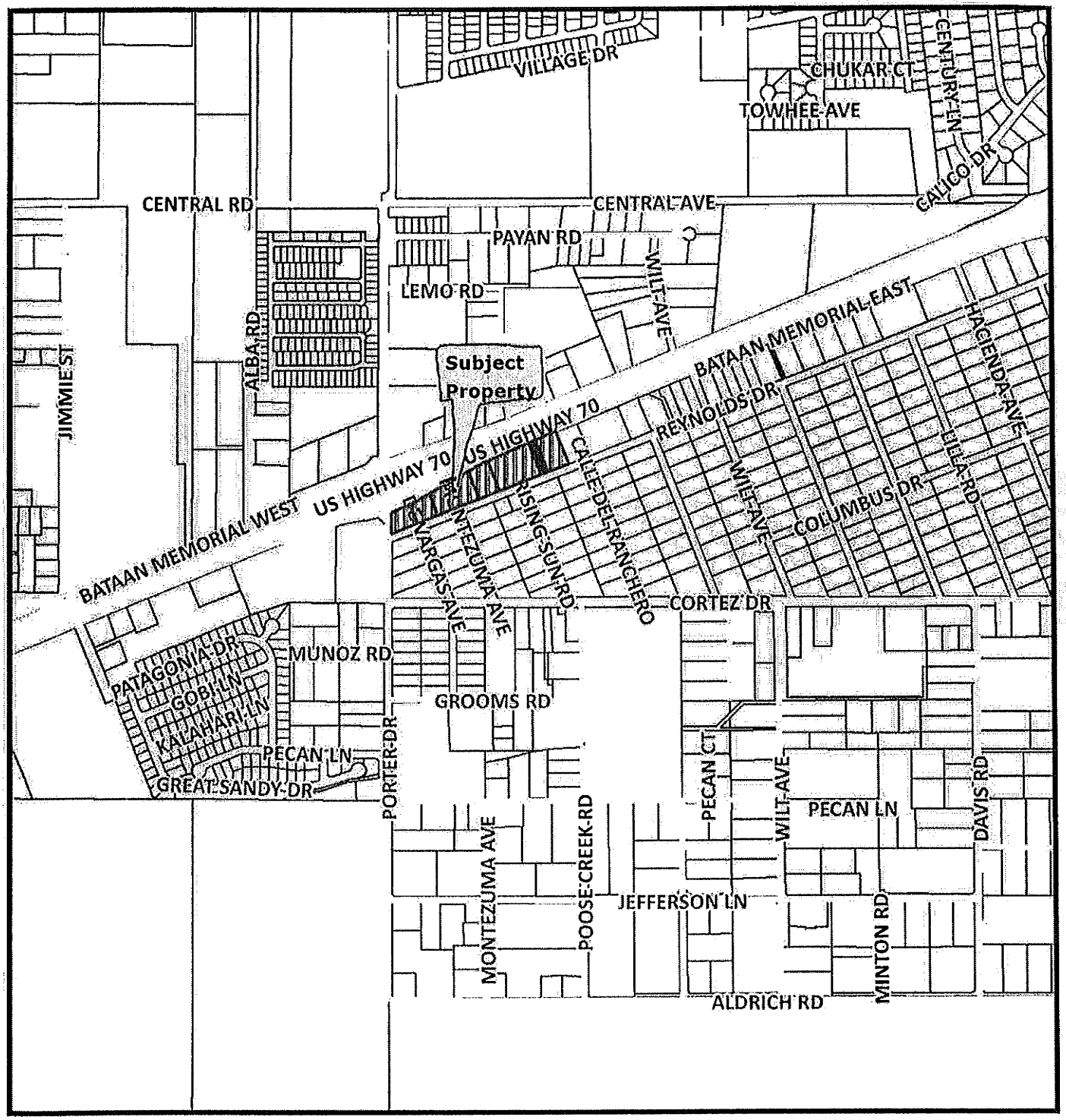
## ATTACHMENTS

1. Location Map
2. Subject Parcels
3. Zoning Map
4. Development Statement
5. Reviewing Department/Agency Comments and/or Conditions

**ZONING: R-4**
**OWNER: City of Las Cruces**

# Location Map

Attachment 1




## Z2870 5110 Porter Drive
## Rezoning from R-4 to C-3C

15950 150300450600750900,050200350500650
Feet

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

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

# Attachment 2

Z2870 Subject Parcels

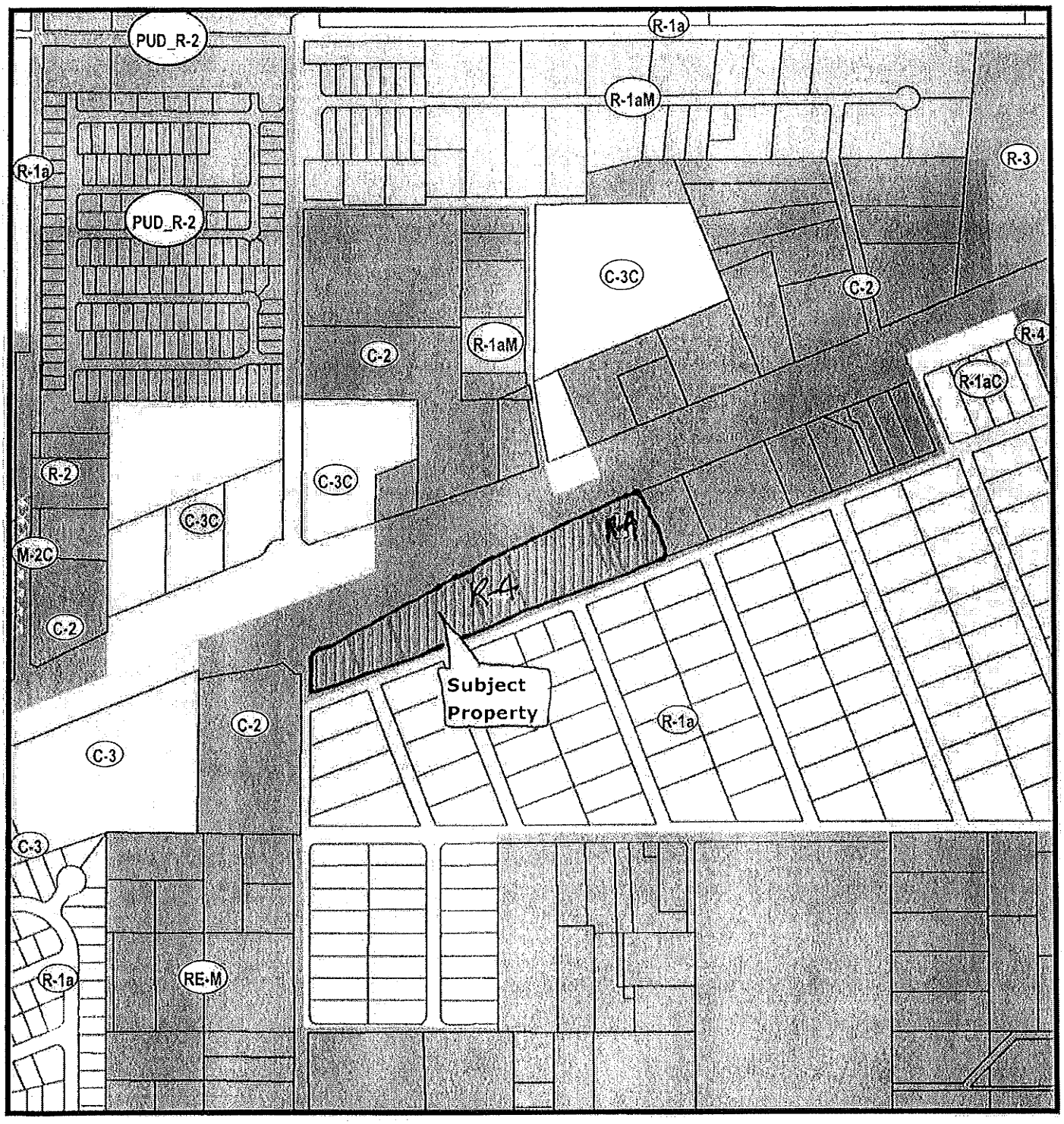


| | | |
|---|---|---|
| 02-28345 | .8 ac. | vacant |
| 02-28346 | .13 ac. | vacant |
| 02-28348 | .06 ac. | Vacant |
| 02-28347 | 1.53 ac. | Vacant |
| 02-19535 | .79 ac. | Pool bldg., Parking |
| 02-19537 | 1.2 ac. | Parking, pool |
| 02-19541 | .49 ac. | Senior center |
| 02-19544 | .48 ac. | vacant |

**ZONING: R-4**
**OWNER:** City of Las Cruces

# Zoning Map

# Attachment 3




## Z2870: 5110 Porter Drive
## Rezoning from R-4 to C-3C

150 75 0 150 300 450 600 750 Feet

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

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

Attachment 4

# City of Las Cruces
PEOPLE HELPING PEOPLE

## CITY OF LAS CRUCES DEVELOPMENT APPLICATION

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

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

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

(Case # Z 2870 )

**SUBJECT PROPERTY ADDRESS:** 5110 Porter Drive, 6121, 6141,6151,6171, 6251 Reynolds Drive,

**PROPERTY TAX ID#** ( See attached Exhibit "A") **PARCEL ID#** ( See attached Exhibit "A")
4-012-129-009-473

**PROPERTY OWNER(S)** of record: City of Las Cruces

Address: P.O. Box 20000 City : Las Cruces State: NM Zip 88004

Phone: Home(____)_____ Work (575) 528-3410 Mobile(____)_____ Fax (575) 528-3173

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

Name: Bill Hamm Title/Company: Land/Real Estate Manager for the City of Las Cruces

Address: (same as above) City_____ State____ Zip_____

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

email address: whamm@las-cruces.org

**Check and complete all boxes that apply:**

| PLANNING AND ZONING COMMISSION | | | | | |
|---|---|---|---|---|---|
| XX | **Zoning** | From N/A to C3C | | | **Master Plan** |
| | **Variance** | From _____ to _____ | | | **Preliminary Plat** |
| | **Special Use Permit (SUP)** | | | | **Final Plat** |
| | New | Renewal/Time Ext. | Amendment | | **Replat** |
| | **Planned Unit Development (PUD)** | | | | **Alternate Summary** |
| | 1. Concept Approval | | | | **Infill Sub. Conceptual Plan** |
| | 2. Final Site Plan Approval | | | | **Vacation Subdivision** |
| | 3. Amendment | | | | **Annexation Petition/Plat/Initial Zoning Req.** _____ |
| | 4. Renewal/ Time Extension | | | | |
| | **West Mesa Ind. Park** | | | | **University District** |
| | **Infill Development Requests(s):** | | | | **South Mesquite** |
| **APPEAL TO:** | | **PLANNING & ZONING COMMISSION** | | | **CITY COUNCIL** |

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

**Owner(s):**

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

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

_____ Date 2/3/14

**Property Owner 1- Brian Denmark, Assistant City Manager/COO**

_____ Date _____

**Property Owner 2**

_____ Date _____

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

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

**ADDITIONAL APPLICANTS / CONTACT PERSONS,** if different from owner:

**Property Owner 1:**

Name: _____ Title/Company: _____

Address: _____ City _____ State ____ Zip _____

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

**Property Owner 2:**

Name: _____ Title/Company: _____

Address: _____ City _____ State ____ Zip _____

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

**Applicant/Representative:**

Name: Bill Hamm Title/Company: Land/Real Estate Manager for City of Las Cruces

Address: P.O. Box 20000 City: Las Cruces State: NM Zip: 88004

Phone-Home (____) _____ Work(575) 528-3410 Mobile(____) _____ Fax(575)528-3173

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

| | | | | | |
|---|---|---|---|---|---|
| Accepted by: | | Fee Paid: | $ | Date Fee Paid | |
| Receipt No. | # | Check Number | # | Case Number | |
| Submittal Date | | Submittal Complete | | Assigned to: | |

# AFFIDAVIT

## PLANNING AND ZONING COMMISSION

COMES NOW the undersigned and states under oath as follows:

1. That the undersigned an applicant for a zone change, initial zoning, Zoning Code amendment, Special Use Permit, Planned Unit Development, Subdivision or site plan approval.
2. That in connection with said application, the undersigned has submitted various information, including but not limited to, a legal description of the property.
3. That information submitted is true and accurate as of the date of signing of this Affidavit.

Brian Denmark, Assistant City Manager/COO of City of Las Cruces
Name (Print)

Signature

STATE OF NEW MEXICO )
) ss
COUNTY OF DONA ANA )

The foregoing instrument was acknowledged before me this _____ day of _____,

20____, by: Brian Denmark, Assistant City Manager/ COO of City of Las Cruces, a New Mexico Municipal Corporation, on behalf of said corporation _____

_____
NOTARY PUBLIC

My Commission Expires:

_____

# 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: City of Las Cruces

Contact Person: Bill Hamm

Contact Phone Number: (575) 528-3410

Contact e-mail Address: whamm@las-cruces.org

Web site address (if applicable): _____

## Proposal Information

Name of Proposal: _____

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

Institutional/ Commercial

Location of Subject Property Reynolds Drive

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

Acreage of Subject Property: Lot 1-0.48, Lot 2-0.49, Lot 3& 4-1.2 acre, Lot 5-0.79, Lot 6&7- 1.53 acre and Lot 8- 0.8

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

Community Center and Recreational use

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

Institutional uses – see attached Land use sheet.

Zoning of Subject Property: R-4

Proposed Zoning (If applicable): C-3C

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 _____

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

Anticipated hours of operation (if proposal involves non-residential uses):
7:00 am to 8:00 pm, and some special events

Anticipated traffic generation unknown trips per day.

Anticipated development schedule: work will commence on or about N/A and will take N/A to complete.

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

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). In accordance with City rules and regulations

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

Is there existing landscaping on the property? Yes

Are there existing buffers on the property? No

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

If yes, is it paved? Yes XX No ___

How many spaces? To be determined How many accessible? To be determined

**Attachments**

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

Location map

Subdivision Plat (If applicable)—Copy of Deeds

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

Narrative

In accordance to the City Policy and City regulations, as set out in Section 38-3. Statutory authority and jurisdiction, the City is initiating a zone change to ensure the current and future use of the City property that will meet City policy.

The City proposes zoning this property C-3C as Institutional/Commercial uses which will allow for the Café/Dining use and Recreational and Senior Programs currently being held at the City property and which will allow variety for any future use of the adjacent vacant lots.

Exhibit 1

**Please note all properties are owned by the City of Las Cruces

Subject Property Address: 5110 Porter Drive
Parcel Code No: PC# 02-19544
Property Tax ID #: 02-I 4-012-129-009-473
Legal Description & acreage: Lot 1 Hacienda Acres – 0.48 acre

Subject Property Address: 6121 Reynolds Drive
Parcel Code No: PC# 02-19541
Property Tax ID #: 02-I 4-012-129-017-467
Legal Description & acreage: Lot 2 Hacienda Acres – 0.49 acre

Subject Property Address: 6141 Reynolds Drive
Parcel Code No: PC# 02-19537
Property Tax ID #: 02-I 4-012-129-044-454
Legal Description & acreage: Lot 3 & 4 Hacienda Acres – 1.2 acre

Subject Property Address: 6151 Reynolds Drive
Parcel Code No: PC# 02-19535
Property Tax ID #: 02-I 4-012-129-065-447
Legal Description & acreage: Lot 5 Hacienda Acres – 0.79 acre

Subject Property Address: 6171 Reynolds Drive
Parcel Code No: PC# 02-28347
Property Tax ID #: 02-I 4-012-129-086-440
Legal Description & acreage: Lot 6 & 7 Hacienda Acres – 1.53 acre

Subject Property Address: 6251 Reynolds Drive
Parcel Code No: PC# 02-28345
Property Tax ID #: 02-I 4-012-129-110-430
Legal Description & acreage: Lot 8 Hacienda Acres – 0.8 acre

Subject Property Address: 6191 Reynolds Drive
Parcel Code No: PC# 02-28348
Property Tax ID # 02-I 4-012-129-086-439
Legal Description & acreage: Hacienda Acres – 0.06 acre

Subject Property Address: 6221 Reynolds Drive
Parcel Code No: PC#02-28346
Property Tax ID# 02-I 4-012-129-110-427
Legal Description & acreage: Hacienda Acres – 0.13 ace

C-3 - COMMERCIAL HIGH INTENSITY: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market, whose use generally serves a population of over 15,000.

## LAND USES ALLOWED

INSTITUTIONAL LAND USES (See Section 38-33D)
- Child Care Center or Preschool
- Community Buildings - Uses
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)
- Arcade/Game Room
- Batting Cages
- Billiard/Pool Hall
- Bowling Alley
- Golf Course, Miniature
- Health/Exercise Club/Gymnasium/Sports Instruction
- Recreational Courts, e.g., Tennis (Public)
- Zoo/Botanical Park

SERVICE LAND USES (See Section 38-33F)
- Art Studio
- Consulting
- Counseling Services
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Legal Services
- Lessons (Art, Dance, Music, etc.)
- Motion Picture Production

RETAIL LAND USES (See Section 38-33G)
- Bar/Night Club (Dancing) on an occasional basis, particularly for Senior Citizens
- Café, Cafeteria, Coffee Shop, Restaurant, etc.
- Delicatessen, Produce/Meat Market

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H)
- Bus Terminal
- Parking Facilities, Commercial (Garages & Private Parking Lots)

## LAND USES ALLOWED WITH CONDITIONS

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)
- Amusement Park (Temporary)
- Archery Range – Indoor
- Firing Range - Indoor
- Park
- Sports Arena/Field/Course, Commercial
- Swimming Pool, Commercial or Public

RETAIL LAND USES (See Section 38-33G and Section 38-53)
Flea Market
Seasonal Sales – Non-Temporary (Fireworks, Agriculture Products, Snow cone Stand, etc.)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)
Storage outside of buildings of materials, equipment, and supplies not for sale
Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)
Construction Yard or Building(s), Temporary

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

## LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures

Attachment 5

**City of Las Cruces®**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CLC Development Services/Planning:

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

COMMENTS: Liquor license per restaurant not permitted, Senior Center can hire a caterer to provide beer and wine for special events.

RECOMMENDATION: X APPROVAL _____ DENIAL

Reviewer: Susana Date: 2/18/14

**City of Las Cruces**
PEOPLE HELPING PEOPLE

## MPO REZOINING REVIEW COMMENTS

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

| MPO Thoroughfare | Dist. to Thor. | Functional Class | MTP Class | ROW Required | Dist. to Transit | AADT (year) | Current Bike Fac. | Planned Bike Fac. |
|---|---|---|---|---|---|---|---|---|
| Bataan Memorial East | Adj | A | Minor Arterial | 100' | | 6th road south (2010) | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

Recommended Conditions of Approval

Additional Comments

Reviewer: Andrew Wray Date: 2/18/14

# City of Las Cruces®
PEOPLE HELPING PEOPLE

## Rezoning Case Review Sheet

To: Engineering Services

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

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 | | X 500E |
| Zone X(500) | (500 Yr. flood zone) | ____ |
| Zone D | (Unknown flood determination) | ____ |

DEVELOPMENT IMPROVEMENTS:

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

must meet CLC Drainage Stnds; 3+ acres requires a drainage report

for access to Bataan Memorial

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: ✓ Conditional Approval ____ Denial

Reviewer: Natasha Billy Date: 2/13/14

**City of Las Cruces®**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

TRAFFIC ENGINEERING:

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

SITE ACCESSIBILITY: *

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

ON-STREET PARKING IMPACTS:
None ____ Low ____ Medium ____ High ____

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:
Yes ____ If yes, what intersection? _____
No X when (timeframe)? _____

Is a TIA required? Yes _____ No X

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: K YWC Approval _____ Denial

RECEIVED
FEB 18 2014
TRAFFIC

Comments:
Reviewer: ~~K~~ K. Espinoza. Date: 2/18/14

(1) All driveway Pad and ADA Ramps meet CLC Standards.
(2) NMDOT Permit required for access.

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Rezoning Case Review Sheet

CLC Surveyor: [redacted]

Case #: Z2870 Date: February 11, 2014

5110 Porter Drive and 6121 to 6251 Reynolds Drive

Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

COMMENTS:

RECEIVED

FEB 1 2 2013

CITY OF LAS CRUCES
LAND MANAGEMENT

RECOMMENDATION: X APPROVAL _____ DENIAL

Reviewer: Angela Araujo Date: 2/19/2014

**City of Las Cruces®**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CLC Right-of-Way/ Land Management:

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

RECEIVED
FEB 12 2013
CITY OF LAS CRUC
LAND MANAGEME

COMMENTS:

RECOMMENDATION: X APPROVAL _____ DENIAL

Reviewer: Michael Q Hernandez Date: 2/19/2014

City of Las Cruces®
PEOPLE HELPING PEOPLE

## Rezoning Case Review Sheet

**FACILITIES / PARKS:**

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

COMMENTS:

**RECOMMENDATION:** X **APPROVAL** _____ **DENIAL**

Reviewer: _____ Date: 2/13/14

**City of Las Cruces**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

**FIRE PREVENTION & EMERGENCY SERVICES:**

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

| ACCESSIBILITY ISSUES: * | CONCERN | | |
|---|---|---|---|
| | Low | Medium | High |
| Building Accessibility | X | ___ | ___ |
| Secondary Site/Lot Accessibility | X | ___ | ___ |
| Fireflow/Hydrant Accessibility | X | ___ | ___ |

Type of Building Occupancy: Unknown

Closest fire department that will service this property:

Name Station 5

Address/ Location 5998 Bataan memorial East

Distance from subject property (miles) .1 mi

Adequate capacity to accommodate proposal? Yes X No ___

Explain: ___

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

DEPARMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval ___ Denial
Comments:

Reviewer: VMG Date: 2/13/14

**City of Las Cruces®**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

CLC Police Department:

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

COMMENTS:

RECOMMENDATION: ✓ APPROVAL _____ DENIAL

Reviewer: Shannon Morton
Deputy Chief

Date: 2-14-14

City of Las Cruces®
PEOPLE HELPING PEOPLE

# Rezoning Case Review Sheet

**CLC Utilities Services**

Case #: Z2870 Date: February 11, 2014
5110 Porter Drive and 6121 to 6251 Reynolds Drive
Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

WATER AVAILABILITY & CAPACITY:*
- Water Provider:
  - CLC ___
  - Other Jornada Water Co.
- CLC Water System capable of handling increased usage:
  - Yes ___
  - No ___
  - Comment ___

WASTEWATER AVAILABILITY & CAPACITY:*
- Wastewater service type:
  - CLC Sewer: ✓
  - On-lot septic ___
- CLC Wastewater service capable of handling increased usage:
  - Yes ✓
  - No ___
  - Comment ___

NATURAL GAS AVAILABILITY & CAPACITY*
- Natural Gas Provider
  - City of Las Cruces ✓
  - Rio Grande ___
- CLC Gas System capable of handling increased usage:
  - Yes ✓
  - No ___
  - Comment ___

No water rights issues - F.O. 2/13/2014

Case #: Z2870 Date: February 11, 2014

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

DEPARTMENTAL RECOMMENDATIONS & OTHER COMMENTS:

Recommendation: ✓ Approval _____ Denial

_____ Approval with conditions:

Reviewer: John Eyd Date: 02/18/14

Contact Information: _____

Additional comments:

# City of Las Cruces®

PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

Las Cruces School District:

Case #: Z2870 Date: February 11, 2014

5110 Porter Drive and 6121 to 6251 Reynolds Drive

Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

COMMENTS:

RECOMMENDATION: X APPROVAL _____ DENIAL

Reviewer: Diane Kennon Date: 2-22-14

**City of Las Cruces**
PEOPLE HELPING PEOPLE

Rezoning Case Review Sheet

**NMDOT:**

Case #: Z2870 Date: February 11, 2014

5110 Porter Drive and 6121 to 6251 Reynolds Drive

Parcels: 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348 and 02-28346

Request: Rezone eight (8) City-owned parcels totaling 5.41-acres from R-4 (Multi-dwelling High Density & Limited Retail and Office use) to C-3c (Conditional High Intensity Commercial) for City-support, recreation and associated private support uses: See attached summary description. Please provide your comments to MUNIS and Planner Susana Montana by Tuesday, February 18, 2014. Thank you.

Which State highway would be impacted by the proposed rezoning? US 70 Frontage road Butlean memorial East.

How would that highway be impacted?
none. if the access continues to be off of Reynolds. Based on google earth, it appear no access is off Frontage Rd

What conditions on the rezoning or what other mitigation would you suggest to avoid or ameliorate this potential impact?

Is a driveway permit from NMDOT required? Yes _____ No X

Explainations Google earth indicates access is off of Reynolds

COMMENTS:
As long as access is off of Reynolds. then the NMDOT has no comments.

**RECOMMENDATION:** ✓ **APPROVAL** _____ **DENIAL**

**Reviewer:** **Date:** 2/17/14 **Contact information:** 544-6544
Susana Montana

Attachment "C"

City of Las Cruces®

**PLANNING AND ZONING COMMISSION**
**NOTIFICATION OF DECISION**
March 25, 2014

**Case Z2870**: Request to rezone 8 City-owned parcels from R-4 (multi-dwelling High Density Residential & Limited Retail and Office Use) to a limited C-3C (High Intensity Commercial, Conditional) designation to accommodate City-sponsored recreational activities, institutional uses such as public safety offices, and storage of equipment and supplies on Parcels 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348, 02-28346 for a total of 5.41 acres of land. (District 5—Sorg)

**FINDINGS**

1. Based upon the evaluation of applicable City codes and plans by the relevant departments, the C-3C zoning designation, with the amendment as recommended by the Commission as noted below, would minimize or eliminate off-site impacts of City-sponsored development or land uses on the eight subject properties which would positively address applicable Zoning Code Intent and Purpose Statements and Planning and Zoning Commission decision criteria.
2. Based upon the evaluation of the proposal by relevant City departments, the rezoning, with the recommended amendment noted below, would allow the City to provide recreational activities and land uses which would support those activities on the subject properties; this would positively address relevant City Comprehensive Plan goals and policies.
3. The rezoning would allow the City to develop institutional land uses that would support public services in the area; this would address the following New Mexico case law rezoning criteria:
    - Changed neighborhood or community conditions justify the change; and
    - A different use category is more advantageous to the community, as articulated in the Comprehensive Plan because:
        - there is a public need for a change of the kind in question, and
        - that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

## DECISION

At the public hearing, neighbors of the rezoning area testified that they opposed allowing open storage of equipment, vehicles and materials on any of the subject parcels because they believed it would generate offensive noise, dust, heavy vehicle traffic on a residential road, would be visually unappealing and, therefore, would lower the property values of their home and neighborhood. Responding to those concerns, the Planning and Zoning Commission voted to recommend an amendment to the list of C-3 uses allowed on the subject parcels to prohibit open storage of equipment, vehicles and materials and to prohibit flea markets and seasonal sales of merchandise. The Commission, having reviewed the City staff report and presentation and having heard testimony at the March 25, 2014 public hearing, finds that the granting of said rezoning for the subject property, with the following condition of approval, would be consistent with development and land uses in the area. The Planning and Zoning Commission voted unanimously 5 to 0 (Commissioner Ferrary absent and the Mayoral appointment seat vacant) to recommend **conditional approval** of the requested rezoning (Case Z2870) to the City Council. The condition is as follows:

The Commission recommends that the City Council remove the following land uses from the list of allowable uses in the C-3C designation:

1. Land Uses Allowed: Transportation, Wholesale Trade, Warehousing & Bulk Storage—bus terminal, commercial parking facilities;
2. Land Uses Allowed With Conditions: (a) Retail Land Uses—flea market and seasonal sales; (b) Transportation, Wholesale Trade, Warehousing & Bulk Storage—storage outside of buildings of materials, equipment, and supplies not for sale; storage, warehousing accessory to Office, Retail Service or Industry; and (c) Manufacturing & Related Land Uses—construction yard or building(s) temporary.

## CITY COUNCIL ACTION

Pursuant to Section 38-10.B.2.(b), the Planning and Zoning Commission recommends approval, denial or modification to the City Council on all zoning amendments. This zoning request will be scheduled before the City Council for their consideration and action and a tentative date for this action is June 2, 2014.

- SMontaña

Susana Montana, Planner
Community Development Department
Building and Development Services

Attachment "D"

Draft

**PLANNING AND ZONING COMMISSION**
**FOR THE**
**CITY OF LAS CRUCES**
**City Council Chambers**
**March 25, 2014 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**
Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Ray Shipley, Member
Ruben Alvarado, Member

**BOARD MEMBERS ABSENT:**
Joanne Ferrary, Member

**STAFF PRESENT:**
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Mark Dubbin, CLC Fire Department
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

## I. CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. Welcome to the Planning and Zoning Commission meeting for the 25th of March, 2014. Let me start as usual by introducing the Commissioners here present. On my far right Commissioner Shipley, representing District 6; then Commissioner Stowe who's also our Vice Chairman, District 1. Commissioner Alvarado, District 3. Commissioner Beard, District 2, and he's also our secretary. And I'm Godfrey Crane, Chair, and I represent District 4.

## II. CONFLICT OF INTEREST

*At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.*

Crane: And I go on to ask if any Commissioner or any member of the Community Development Department has any conflict of interest regarding tonight's agenda? Everybody's signifying no. So we will continue.

## III. APPROVAL OF MINUTES

1. February 25, 2014 - Regular Meeting

Crane: Approval of the minutes for the last meeting 25th of February. Does any Commissioner have any amendments? Mr. Shipley.

Shipley: Page 4, line number 22, the sentence reads "there are pet owners maybe who lost a pet and has extra", and I think that "has" should be "have extra".

Crane: Did you say?

Shipley: Have. H A V E.

Crane: Oh, I beg your pardon, you're on page 22.

Shipley: Page 4, line 22.

Crane: Have, yes.

Shipley: And page 10, line number 44, the first word in the sentence is "shifted" it should be "sifted". S I F T E D. And that's all I had Mr. Chairman.

Crane: Thank you. Any other Commissioner? I have one, page 9, line 24, "any other questions for Ms. Montana" I think should be, rather than "from Ms. Montana". That's all I have. And so I'll entertain a motion that the minutes of the last meeting be accepted as amended.

Shipley: I move to accept the minutes.

Crane: Moved by Mr. Shipley. Do I have a second?

Beard: Second.

Crane: Seconded by Mr. Beard. All in favor aye.

ALL: AYE.

Crane: Against? Abstaining? Okay, it passes five/zero. Thank you.

## IV. CONSENT AGENDA

1. **Case PUD-13-02: MOVED TO NEW BUSINESS**

2. **Case Z2870: MOVED TO NEW BUSINESS**

Crane: The next item on our agenda is the consent agenda. Let me explain for the public what this means. There are two items on it, Case PUD-13-02 and Case Z2870. Consent agenda items are matters that the Community

Development Department has guessed may not be controversial so they're put together like this so we can vote on them as a block, however, if any Commissioner, or any Community Development person, or any member of the public present tonight wants to debate either of these issues we will lift it from the consent agenda and put it under new business and address it in a few minutes. Is there anybody who wishes to discuss Case PUD-13-02? Anybody present wish to discuss that one? Mr. Shipley. Okay, we'll put that to new business. And secondly, does anybody present want to discuss Case Z2870? Yes, people there (*referring to the seated public*). All right, so PUD-13-02 will be the first item of new business and Z2870 will be the second item.

## V. OLD BUSINESS - NONE

## VI. NEW BUSINESS

Crane: So now let me explain how we handle new business items. A member of the Community Development Department, very probably Mr. Ochoa, will make a presentation and then the Commissioners may have questions of him. Then we invite the interested parties, the people who have applied for the variance or whatever the matter is, to come up and give an address, again we may have questions. Finally we open the mike to the public to come up and give their opinions and we may have some questions of them. Could I please see a show of hands, number of people in the audience who expect to come up and talk to us about any one of these ... either one of these two matters? I see one, okay, in that case I'm not going to ask our secretary to time people, but we'd all appreciate it if you could keep it succinct, but take the time necessary to make your point.

1. **Case PUD-13-02:** Application DVI on behalf of Deko Properties, LLC, property owner, for a Concept Plan for a Planned Unit Development (PUD) known as the Sunset Grove PUD. The Concept Plan proposes to convert the existing and proposed condominiums, 50 in total, into fee-simple townhome lots with all interior roads and common areas, including the existing clubhouse, privately owned and maintained. The subject area encompasses 24.23 +/- acres and is located at the southern dead-end of Calle de Ninos, north of Farney Lane; Parcel ID# 02-41508 & 02-41509. Proposed use: Single-Family Residential; Council District 2 (Councillor Smith).

Crane: All right, so Case PUD-13-02, Mr. Ochoa.

Ochoa: There you go. Thank you Mr. Chairman. Adam Ochoa, Development Services for the record. Mr. Shipley since you are the Commissioner that took this off, is there any specific question you had about the PUD that I could answer for you or possibly the applicant can answer for you, or would you like a full presentation sir?

Shipley: I think I'd like for you to do the presentation for this matter because I have several questions but the presentation may clarify that.

Ochoa: Sounds good. No problem sir. First case tonight gentlemen is case PUD-13-02. It is a request for approval of a concept plan for a Planned Unit Development or PUD known as the Sunset Grove PUD. Shown here on the vicinity map, hashed out in the blue lines. It is at the dead-end of Calle de Ninos, north of Farney Road, relatively northeast of Main Street and southwest of El Paseo to give you a general idea of where this is at. Looking at the current zoning map around there, as you can see subject's property is currently zoned R-4, multi-family high density and limited retail and office and OS-R which is Open Space-Recreational. As you can see surrounding the property to the east and south majority is single-family residential and to the west and north office and commercial zoning designations. Here taking a look at the aerial map, you can see here the subject property with some existing buildings already on the property, magistrate court directly west, park drain to the west as well, and Las Cruces Lateral to the northeast, right behind Las Cruces High School to give you a general idea of where this is at.

As I stated the property is located at the southern dead-end of Calle de Ninos. It is currently zoned R-4 and OS-R and the entire area encompasses approximately 24.23 acres, roughly about 15 acres for the residential area and about 8.5 acres that is the open space area. Currently there is a condominium project that's partially built out and of course the other portion being that open space/agricultural area. The applicant is proposing to dissolve the condominium and the condominium association on the property following all state requirements and regulations since that is something that is taken care of through the state, not here in the city for overview, so that will have to first be done. When that is accomplished the applicant is seeking to convert that condominium project into townhome subdivision essentially making fee-simple townhomes where people who own the building will not only own the building like in a condominium association but they will own the building and the land it's on top of. That is the biggest change that is essentially happening with this PUD. Everything else is essentially the same proposed from the original master plan which was approved back in 2006 for the condominium association. It's just being changed again into townhomes now.

The total number of lots you're looking at is 50 single-family residential lots with townhomes on them, same number proposed with the original master plan. Along with that there will also be two tracts created; one tract that will encompass the privately owned and maintained by a homeowner's association roads, the parking areas, all common areas and landscaping areas, and the existing clubhouse and pool that is on the subject property. Tract two includes the privately owned and maintained

agricultural area/open space that is being proposed for agricultural development growing rosemary, other cash crops like that and then adding an open space type of use on the property with kind of a privately maintained trail around that area for people to utilize to get to and from the laterals and so forth like that. As I stated, again no major changes are proposed with this new PUD as compared to the original development. With the PUD though the applicants did ... the reason for the PUD, excuse me, is the applicants required a number of variances in order to follow ... in order to meet their development standards if you will when being required zero foot setbacks around the entire home if you will or the new lots that are being developed. Because of that the applicant was required to provide public benefits. The applicant did outline a number of existing public benefits from donating lots within the subdivision that was developed by the property owner for community foundation for the First Steps Women's Center, building of a lift station with the city, as well as they will be providing other benefits as ... like a bus shelter along Main Street and of course also that, as I stated before, the pedestrian connectivity, kind of the pathway around the agriculture area to the laterals.

Here is a conceptual plan of the proposed PUD, the existing four buildings here, there's kind of a cluster development, clustering four buildings together and leaving everything else open. For the private roads and for the landscaped areas here in the southern half is the L-shaped agricultural area with that maintenance driveway/trail going all around it. Seen here, as you can see here are the standards that they would be outlined ... that they outlined for themselves; minimum lot dimensions, minimal lot size, separation requirements, setbacks and so forth. On January 29, 2014 the DRC or Development Review Committee did review the proposed Sunset Grove concept plan. After some minor discussion the DRC did recommend approval without conditions for the proposed concept plan. With that tonight gentlemen, staff has reviewed the proposed concept plan and recommends approval without conditions based on the findings presented in your staff report. Planning and Zoning Commissioner is a recommending body to City Council for PUD concept plans, or Planned Unit Development concept plans. With that gentlemen your options tonight are to 1) to vote yes to approve the request as recommended by staff and DRC for case PUD-13-02; 2) to vote yes and approve the request with conditions deemed appropriate by the commission; 3) to vote no to deny the request; and 4) to table or postpone the proposed PUD and direct staff accordingly. Just to let you know we did ... staff did receive a couple of phone calls from adjacent property owners after mail-outs were sent out. A couple of them just ... the majority of the questions were just what's going on, what's going to happen, nobody necessarily against what's going on or for, just more curious about what's happening. You did get one printout from an e-mail that I received from an adjacent property owner, again more asking

questions, curious about what's going on, but no general consensus either against or for the proposed PUD. With that the applicant is ... the applicant's representative is here to answer any questions you might have for them, and I stand for questions.

Crane: Thank you Mr. Ochoa. Mr. Shipley.

Shipley: Thank you Mr. Ochoa. That's a very good presentation.

Ochoa: Thank you.

Shipley: And you did answer some of the questions that I had, at least one. The thing that I noticed obviously is you said no major changes but we've changed the height of the buildings from 16 feet to 20 feet. That's what it says in your plan.

Ochoa: It'll be to the maximum height, yes sir.

Shipley: Yes.

Ochoa: That is correct.

Shipley: Went up four feet. Also, there was a question, I had a question, you've got 11 parking stalls with two ADA parking stalls and that of course is at the swimming pool; with the number, was that size for the number of people that are going to be there? The total number?

Ochoa: Mr. Chairman, Commissioner Shipley, those are more of a public parking area intended for the pool house or clubhouse area. There is still the garage parking as well as the (inaudible) parking area behind each unit if you will. As to if that was taken into account for public parking I would not know sir. I'm going to pass that to the applicant.

Shipley: Okay. I'll let the applicant answer that. But the other question that I had was the street width was cut to 20-feet and if you park a row there, there's no sidewalks, there's I think everybody has to walk in the street basically to go through the addition as you add on to that addition. The second thing that I was concerned about was that there was no second means of egress or ingress to this facility, so if there was ever a catastrophe on the entryway there's ... and someone else had a medical emergency there would be no way to get them out unless you walked in, put them on gurney and then hoisted them on your shoulders and carried them out. And I was concerned with that. I did go look at the property and what you're calling an agricultural area I believe is basically being used as a retention pond. Is that not correct?

Ochoa: Mr. Chairman, Commissioner Shipley, currently yes it is.

Shipley: Okay. So there was no means of connecting to the street to the south in other words?

Ochoa: Mr. Chairman, Commissioner Shipley, that is correct. I believe when the original master plan was approved that was kind of one of the conditions for approving it was that there was to be no access to Farney Lane because of I believe public opposition for that sir.

Shipley: Could there not be an emergency access around ... built across there to give them that kind of ... you know with a gate on it that only the police or fire or whatever could have you know keys like they do in many places around here so that there would be a second means of ingress or egress there in case of emergency?

Ochoa: Mr. Chairman, Commissioner Shipley that's something we can definitely take into account. I believe the applicant was in contact with our fire department for all code requirements and I'll defer to them and they can probably answer that a little better than I can sir.

Shipley: Okay, and the other thing was the parking spaces it states in here that at least this was a part of your Sunset Grove townhouse PUD advanced planning comments, it might've been Carol McCall's comments.

Ochoa: Yes sir.

Shipley: With regard to 200 residential parking spaces or four per unit but for the pool you've only got a total of 11 parking places for basically the 50 units.

Ochoa: Mr. Chairman, Commissioner Shipley the way the clubhouse and the parking area, it currently already exists the way it is. I don't know if there is actual any prevention from people just parking at their homes, at their destination and walking to the pool area or to the clubhouse. And I don't know ... I believe there will be some I guess not allowing some on street parking if you will but I'm sure there'll be some areas for that parking. Again the applicant can probably answer that a little better sir.

Shipley: Okay. When was this completed, the initial four buildings completed?

Ochoa: I believe that was all completed in 2006 sir.

Shipley: 2006, so they've had seven years. Have there been any problems there with parking or?

Ochoa: Mr. Chairman, I'll go ahead and let the applicant answer that sir.

Shipley: All right.

Crane: Thank you. Any other Commissioner wish to ask any questions of Mr. Ochoa? All right, the applicant is here I believe. Please identify yourself sir and I will swear you in.

Denton: Commission members, my name's Harold Denton with DVI. I'm the architect, planner. I'm here representing Chisholms, that's the actual owner of the property.

Crane: Let me swear you in sir. Now we know your name, let me swear you in. Do you swear and affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Denton: I do.

Crane: Thank you, please proceed.

Denton: I wanted to introduce Chad Everhart back here with Chisholms, one of the owners of the property also. To address a few of the specifics that you raised; we would be required by codes to have two parking spaces per unit and since the facility is dedicated to those 50 units for use and not a public use, we would not be required to have any parking spaces. So we are well over twice the number of parking spaces that would be required. And since we are providing parking spaces at the clubhouse pool facility we included handicaps there also. Okay. As far as access, again, and we went through reviews on this back in 2006, with the fire department, with all of the city utilities and staff and so forth. We're only required to have one access by code. If we were a residential single-family we would have ... at 50 I think we go to two, but when it's multi-family I think we can have up to 90, maybe it's 100, but it's just one of those two numbers and so we're well within that requirement. We originally proposed an access out to Farney and we were told by the P&Z and others not to do that access. We didn't. We've had no problems. It works very well. The problem is financing. And that's really why we're here and I want to just say, you know I can give you a whole full presentation again, but I think the short presentation is we're here because we're in a different economy today than we were back in 2006. Financing a condominium today is very very difficult and so really we're using the PUD as a replat if you can look at it that way. It's what we needed to go through to replat this to create fee-simple townhouse units. And they are set up as townhouse units, there are no changes being made. The height change, that's not meant - I mean that's a typo if you will. We're not raising the height of the units. I think by the zoning we're allowed quite a bit more, like 40 feet or so, so we're just really pulling it down. But it's the same buildings, it's the same

plan that was proposed and we'll rebuild on those lots. The lots actually are bigger than what would be allowed for townhouses and when you average them and in most instances there are few that are a little under the 2,880 square feet that would be, you know that's required for a townhouse. Most I think we average more like, I don't know, but it's in here, it's 3,000 something. It's a good number. It's a good project. We need to work in the economy that is this today and that's really what we're trying to do. We're not trying to change anything.

The field, you're right. It's not pretty today. We need more rain. We need to move a well and get it set up to do some agriculture on there which hasn't been done yet. But it is intended to be agriculture and it will be. Okay.

Crane: Thank you Mr. Denton. Now don't sit down yet. Anybody have a question for Mr. Denton? Mr. Stowe.

Stowe: What does it mean agricultural in the context of townhouses?

Denton: Well we haven't tied down exactly what the crop is. At one point we were thinking about pecan trees but because of the water usage and the drought conditions that we're in, I think today we're thinking of a less ntense water use type of crop. A number of things have been suggested. Pat what would you thinking (inaudible) in there.

Denton: Pat's brother-in-law produces. Excuse me?

Crane: Could you please repeat what Pat said? Because he wasn't at the mike.

Denton: Pat said probably rosemary. His brother-in-law grows rosemary commercially and that's one of the things we're looking at doing there and would be a very nice smelling addition to the neighborhood.

Stowe: But would townhouse owners have a plot of land for their use?

Denton: Pardon me?

Stowe: Would townhouse owners have access to the agricultural land?

Denton: They have use ... they have the right to use the maintenance or walking trails that do surround the property and those trails do go from Farney over to the lateral okay, cause that's where irrigation water comes from to get to the tract of land. But it is a separate piece of property because it's got to be handled like a farm to work.

Stowe: Right. It sounds like it would be an interesting amenity for townhouse owners to be able not to own but to use a small plot.

Crane: Like an allotment. You have nothing in mind for that, giving a little plot to farm.

Denton: There was some discussion with the city about that and we talked about making it available if there was some interest but there wasn't when we got into it. It's a kind of difficult thing to make happen, it really is.

Crane: Mr. Shipley.

Shipley: How many people reside in the current condominium?

Denton: The 16 units that are there are fully occupied.

Shipley: Fully occupied.

Denton: And the clubhouse was built in that first phase also, so the pool's there, the recreation area, meeting area, and bathrooms, basically what it is.

Crane: Thank you. Any other Commissioner have a question? Thank you Mr. Denton.

Denton: Thank you.

Crane: Any member of the public wish to address this issue, PUD-13-02? In that case I'll close the matter to ... yes.

Dubbin: Mr. Chairman, point of clarification about the second access and fire. Just for your information the current fire code allows up to 30 dwelling units with a single point of access or 200 if they are spinklered. So it does not meet the current code. We're aware of this. It's a plan that was developed 10 years ago and it's something that we work with. But just for your information it does not meet the current code.

Crane: Well Mr. Denton do you want to add to your statement?

Denton: Well that's 30 single-family lots. Yes it is. Multi-family it's higher than that. It's both in the uniform fire code and in the international building code.

Dubbin: The code ...

Crane: Fire department.

Dubbin: The code calls it dwelling units it doesn't differentiate apartments or houses. Single dwelling units.

Denton: So you're overriding the national codes on that?

Dubbin: I'm not overriding it, it's a plan that was approved 10 years ago. It's not something that would be approved today. We can sprinkler the further developments, but in a case like this we deal with what's there and what the best we can deal with.

Crane: Are you saying this cannot go ahead as planned?

Dubbin: It can yes. We did approve it.

Crane: Okay.

Dubbin: But just to clarify what the code was.

Crane: So the changing from co-ops ... from condos to townhouses does not fall over the regulations, there's no change?

Dubbin: Not in the fire code.

Crane: Okay.

Dubbin: We don't oppose the zone change.

Crane: Thank you. Anyone else wish to address this issue? Okay, so I'll close it to public discussion. Commissioners? We have a motion before effectively to approve this application.

Shipley: No we don't. We haven't made a motion.

Stowe: I have a question.

Crane: All right Mr. Stowe.

Stowe: Maybe Mr. Ochoa can help. I'm confused whether all of the requirements were met under the DRC? All the different city departments, did they all eventually approve or is there more work that remains to be done?

Ochoa: Mr. Chairman, Commissioner Stowe the DRC does review, if you can read the second sentence there, DRC does review the infrastructure, utilities, and improvement requirements for subdivisions from a technical standpoint so that essentially includes our engineering department, that includes planning of course, utilities, parks, fire is part of that DRC as well, and everybody did vote to approve that.

Stowe: Traffic.

Ochoa: Traffic as well, yes sir. And as you can see in your packets as well on the back you do have all the reviews that it went though. Basically those technical departments did approve the proposed PUD after just two reviews I believe is what it was.

Stowe: Right. A number of them had punch lists that required work. That work has been done?

Ochoa: Essentially yes sir. The final is what is being proposed now.

Stowe: Thank you.

Crane: Commissioner Beard.

Beard: I was going to recommend ... I was going to move to approve PUD-13-02.

Crane: Okay, do I have a second.

Beard: With staff recommendations for approval.

Crane: All right. Is there a second for that?

Stowe: Second.

Crane: Seconded by Mr. Stowe. Any further discussion among the Commissioners? Mr. Shipley.

Shipley: I only had one other question. There was a comment that I read about there was supposed to be a sidewalk along the ...was it Farney and that's I think what Mr. Stowe was alluding to is that had never been completed.

Ochoa: Mr. Chairman, Commissioner Shipley that sidewalk against Farney was something that they were requesting, but because of again the neighbor back when the master plan was approved and this project was approved the neighborhood actually came against that sidewalk and now that the applicant has actually built a rock wall so close to the curb now if you've gone out there.

Shipley: Yes.

Ochoa: A sidewalk would be almost impossible to build right now so that's basically why the sidewalk has been left alone sir. Farney is classified as a collector roadway by the Metropolitan Planning Organization but it is a constrained thoroughfare. So they did ... they took into account that that

roadway is going to stay essentially what's there now is what it's going to be.

Shipley: Okay. Thank you.

Ochoa: Yes sir.

Crane: Okay, Commissioners, anybody want to discuss this further? If not we'll do a roll call vote. Let's start for a change with Mr. Shipley.

Shipley: I vote aye, findings, discussion, and site visit.

Crane: Mr. Stowe.

Stowe: I vote aye, findings, discussion, and site visit.

Crane: Mr. Alvarado.

Alvarado: I vote aye, findings and discussion.

Crane: Mr. Beard.

Beard: Aye, findings, discussions, and site visit.

Crane: And the Chair votes aye based on findings, discussion, and site visit. The applicant passes five/zero. Thank you.

2. **Case Z2870:** Application by the City of Las Cruces for a rezoning of 8 City-owned parcels from R-4, High-density Multi-family Residential and Limited Retail and Office District, to C-3C, Limited High Intensity Commercial District to support recreational activities, institutional uses such as public safety offices, and City equipment and supply storage activities, and ancillary uses on Parcel ID# 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-28345, 02-28348, 02-28346 for a total of 5.41 acres of land located at 5110 Porter Drive and 6221 Reynolds Drive. Council District 6 (Councillor Levatino)

Crane: We'll go on now to Case Z2870, application by the city for rezoning of some parcels from R-4 to C-3 at 5110 Porter Drive and 6221 Reynolds Drive. And Ms. Montana is standing up there which means she's going to give the introduction. Please continue. Oh my, you have to be sworn. Mr. Ochoa nothing you said was ... nothing you said is any good because I forgot to swear you. But you look honest. Do you swear and affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Montana: I do.

Crane: Thank you.

Montana: Thank you Commissioners. What you have before you is a request for a rezoning. The property, there are eight parcels owned by the city in the East Mesa area, south of 70, east of Porter, and north of Reynolds. These properties are partially used, there are five vacant parcels; one parcel is occupied by a senior center which has food service or a restaurant in the senior center and there is city sponsored, city owned aquatic center, swimming pool. This is an image of the senior center and there, immediately to the north of that is a little park area, a little pocket park and beyond that you can see part of the swimming pool, the fence for the swimming pool.

Currently the properties are zoned residential, R-4, medium high density with some limited retail and office use but not the kinds of retail and office use that the senior center would like to engage in. The seniors would like to have more activities, more recreational activities, some educational activities, public safety, sheriff's department and police department, auxiliary office space within that center. Those are the kinds of things that cannot be done under the R-4 zoning. The R-4 allows the swimming pool and the senior center but not these other related activities. The applicant, the city, would like to rezone the property to C-3C, the C being the conditions and in your packet you have the very limited commercial activities that could take place as part of that C, the condition. The city contracted with café operator to provide the senior lunches. The city was not in a position to provide that food service to the seniors so they contracted with this operator, however, because it's a separate operator it needs ... it's deemed a restaurant and therefore it needs the C-3 limited zoning. The seniors would also like to offer dancing at the center and this requires oddly a nightclub/with dancing permit which is not allowed in the R-4 and therefore they're seeking the C-3. The city would also like to use the vacant lots for outdoor storage for equipment and materials and that again is not allowed in the current R-4 zoning.

We looked at the area around the subject parcels and there is some C-2 commercial limited or general commercial zoning but that didn't fit to extend that to these eight parcels because the C-2 did not allow or does not allow the dancing or some of the other recreational activities that the city would like to sponsor at those eight parcels. So, that brought us back to the C-3, the limited C-3. Based on the findings stated in your staff report, staff does recommend approval of the limited C-3 uses for this property. Your options today are to vote yes to recommend approval of the C-3C zoning to the City Council; to vote to recommend approval with conditions; to vote no to recommend denial; or to vote to table or postpone and direct staff accordingly. And I'm happy to answer any questions you may have. A representative from the city's land management office is

here as well who may be able to answer some of your questions.

Crane: Thank you Ms. Montana. Mr. Alvarado, your light's on. You want to address us? Okay. Mr. Shipley.

Shipley: Thank you Ms. Montana. That was very nice. The seventh page of your handout has a policy 32.3 and says regional commercial uses and this to me is high density. I mean it says 75,000 square feet, gross square feet of commercial use etc. Is this an overstatement or ... C-3 is not that size is it?

Montana: Well yes ... that's correct. This is the only policy in the comprehensive plan that remotely related to this and so we had to present it to you, but there is not a policy in the comprehensive plan. It's a new comprehensive plan just adopted last year that really relates to what the city wants to do with the limited C-3 zoning here. But this is ... I had to present it to you as one of the policies in the comprehensive plan.

Shipley: Okay. So this is quite a gross overstatement.

Montana: Yes. Yes that policy is.

Shipley: Second thing is, there's also a note in there that there is a possible replat of the remaining vacant lots into one lot.

Montana: Well there is a current application that's been pending for several years, however, I expect that they will amend that current application to create fewer lots than the eight because there are two that are much too small. The C-3 requires a minimum of half acre, so they will adjust the lot lines to create at least the half acres, but there'll probably be some larger parcels as well.

Shipley: Is the C-3 ... I thought the C-3 was greater than one acre. C-2 was up to one acre isn't it?

Montana: That's correct, half-acre minimum lot size in C-3.

Shipley: Okay.

Montana: And so those two little pieces that were at one time a road right-of-way will have to be combined with the parcels next to it.

Shipley: Okay.

Montana: So that we can achieve the minimum half acre.

Shipley: Thank you. That's all the questions I have for right now.

Crane: Any other Commissioner have questions of Ms. Montana? Thank you Ms. Montana. Is the applicant here? Oh the applicant is of course city. Definitely here.

Montana: Yes. Mr. Hernandez is here if you have any questions of him but ...

Crane: And his title is again, the land use management?

Montana: He's with the city's land management and right of way office.

Crane: Okay.

Montana: If you have any questions of him, he's available, but he didn't really have a presentation for you tonight.

Crane: Gentlemen. Thank you Mr. Hernandez for turning up. Any member of the public wish to address this? Yes sir. Please come up and identify yourself and be sworn in.

Schluter: Good evening. My name is Karl Schluter. I live at 5070 Rising Sun Road, directly across the street from where the rezoning is planned.

Crane: Okay. Do you swear and affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Schluter: I do.

Crane: Please continue.

Schluter: My concern is exactly what it is that's going to be put across the street from my house and what impact will it have on the property values of my house, the people across the street from me, and the other houses not only on Reynolds but in that whole neighborhood all the way down one block to Cortez. If it's going to be commercial property that can certainly take away the property values of my house.

Crane: Well perhaps we can ... Ms. Montana can you help this gentleman, Mr. Schluter.

Montana: Well let's see if we can find your property. Which one is your property? Right here? Right here?

Schluter: I'm right on the corner. This is (inaudible).

Montana: Here's Rising Sun right here.

Schluter: Yeah, I'm right on the corner of Reynolds and this is mine right here. I own these two pieces of property.

Montana: Okay those two pieces. In the short term those would probably ... the lots right across from you right here.

Schluter: Yeah.

Montana: Would probably be occupied by some vehicle storage, public works, that sort of thing. In the long term it will probably be some sort of play field, recreational activity.

Schluter: Okay. So basically in the short term, however short or long that may be, the value of my property goes down considerably and that of my neighbors.

Crane: What are you looking at, at the moment Mr. Schluter? You looking across ... what is that street, Reynolds?

Schluter: Across Reynolds, yes.

Crane: At a vacant lot?

Schluter: Yeah, the vacant lots across Reynolds next to the pool going east.

Crane: And then beyond that is the frontage road, Bataan Memorial, right?

Schluter: That's correct.

Crane: And Ms. Montana if a vehicle yard went up there, would it have opaque fencing around it?

Montana: Yes it would and be screened. It would be an opaque, couldn't see through it, fence around it, if it were outdoor storage.

Crane: And that would be city vehicles?

Montana: City, only city. All of these would be only city activities.

Crane: Can you tell Mr. Schluter anything that would reassure him about his property values?

Montana: Well it's really too early at this stage. Land management didn't have any particular plans except for what the senior citizens wanted here. And in

the packet there's a list of activities ...

Crane: Excuse me. Would you back up? In the packet ... say that please cause you weren't at the mike.

Montana: In the staff report there's a list of the commercial uses that could take place on those properties, but it's again very theoretical. We just don't know at this time.

Crane: Why did you say that there will or could be vehicle parking there?

Montana: That's one of the things that land management suggested that they wanted to do in the short term for these properties that were undeveloped vacant, storage of materials, sometimes gravel, storage of vehicles. They did mention that.

Crane: Okay, thank you. Mr. Schluter does that at least answer your question?

Schluter: Well what I see here in retail land uses it makes note of a bar/nightclub on occasional basis. I'm assuming that is where it is the senior center which is down over here. That's not so bad if occasionally there is a dance or a party there. So there doesn't seem to be anything for seniors of which I'm one. And below that on this same list it says transportation, wholesale trade, warehousing and bulk storage land uses. Wholesale trade and warehousing, that's not going to help my property values. I just don't think that it's fair that we should be asked or perhaps even forced to accept big cuts in our property value so that the city can use the area across the street from my house to store vehicles and equipment when it seems to me there's an awful lot of land in the East Mesa area that could be used for that, that is not adjacent to a residential area.

Crane: All right. Thank you Mr. Schluter. Does any member of the Commission want to ask Mr. Schluter any questions? Okay, thank you sir.

Schluter: Okay. Thank you.

Crane: Any other member of the public wish to address this issue? Yes sir. Please tell us your name.

Byers: My name is John Byers and I live in the Hacienda Acres area not in the area that's of concern tonight.

Crane: Let me swear you in. Do you swear and affirm that the testimony you are about to give is the truth and nothing but the truth under penalty of law?

Byers: I do.

Crane: Thank you Mr. Byers. Tell us where Hacienda Acres is.

Byers: Hacienda Acres is the area you're talking about and it extends I think from about Dunn Drive all the way down to Porter Drive and south from there. I don't know how far south it goes. And I live quite a bit south from there. I'm familiar with the area that you're talking about tonight. I go on my morning walk all the way down that street every morning. Nice quiet area and I was wondering just ... I do just have a couple questions about the storage that you're planning out there. You did mention that there would be some ...

Crane: Hold up a minute sir. Your mike went off. Mr. Ochoa could you tell the gentlemen in there that the public mike has just gone dead, or does he need to push the red button?

Byers: Okay.

Crane: You were speaking of the storage lot.

Byers: Oh yes. I ... you have stated that you're going to put some screening around it but my concern is also not only what it looks like, we have enough places along that highway that look terrible because of junk and everything is stored there. Doesn't make a good impression to visitors and for people living out there it does devalue their properties. But my concern also is the noise created by all this equipment you're going to be firing up probably every day to the neighbors in that area. And also the wear and tear on the already crumbing roads that are in the entire area. If anything has been done to any consideration for that, that's being done.

Crane: Thank you Mr. Byers. Hold up just a minute. Anybody have any questions of Mr. Byers? Okay, thank you Mr. Byers. Any other member of the public? Okay then I'll close the matter to discussion. Commissioners I'll entertain a motion that ... I'll entertain a motion. I would like to suggest ... no, I'll rescind my suggestion. May I have a motion?

Beard: Discussion?

Crane: Got to have a motion first. Then we can discuss.

Beard: Beg your pardon?

Crane: Then we can discuss.

Beard: Okay.

Crane: Move that we approve (inaudible).

Beard: Okay.

Shipley: Point of order.

Crane: Yes sir.

Shipley: We can have discussion. I mean if there's questions that we need answered before we make a motion we might want to make some amendment to the motion or some condition.

Crane: That's what I had in mind, but still, okay, let's do it.

Shipley: Why don't we have discussion?

Crane: Discussion. Yeah. Well since I've got the mike I have some sympathy for the concerns of Mr. Schluter and Mr. Byers and I would like the commission to consider motion to approve with the condition that the city erect only permanent buildings or use these lots only for permanent buildings at the very outset rather than have them for some temporary use that would not be very beneficial to the neighbors. Personally I would ... don't like looking at a dirt lot followed by a frontage road and then a major highway, but that would be preferable to chain link fence with plastic strips threaded into it and construction equipment visible over the top. And there are a number of them in my neighborhood, so is that one of the things that's on your mind? Mr. Beard.

Beard: I think that's a pretty good idea. I would also not exclude communication structures though, whether it be for the police or whether it's communications for cell phones. It's the very last items, utility land uses.

Crane: I'm sorry you said you would also seek to exclude those?

Beard: I would include it with your permanent buildings.

Crane: So they may put up communication towers?

Beard: Yes, I would want.

Shipley: Mr. Chairman there is a cellular tower about 100 yards on the other side of Porter Road that's about ... it's a huge one. So, that's the cell site there. You don't want to have another one in 100 yards.

Beard: Well I was thinking maybe that the police or city type communications. I

didn't want to go through the same process of trying to find a location for a tower that we have done before you know.

Shipley: But the tower requires a special use permit no matter where it is, so you can't really ... you can't ... there's no sense in changing it because if they're going to come in with that location they're going to have to request a special use permit to get the tower there anyhow.

Beard: That's true but are we eliminating it if we only put down permanent structure.

Shipley: They can always come back and ask for a variance.

Montana: Mr. Chair that would be not a variance, that would have to be a rezoning or an amendment to this zoning condition. Also I want to bring to your attention that limiting it to permanent buildings would not allow playfields or recreational fields, developed fields.

Crane: Perhaps we can simply word it the opposite way and specifically eliminate parking for commercial and municipal vehicles, but I suspect that that would let in a number of things that Mr. Schluter would ... and his neighbors would probably not like. But would that be easier to handle Ms. Montana?

Montana: Well if that were the land use that this Commission objects to specifically you could eliminate that ... the bus terminal and commercial parking facilities and outdoor storage. You could.

Crane: Commercial parking facilities being, what like a parking lot that you (inaudible).

Montana: Yes, parking lot, or the bus terminal if you see on the land uses.

Shipley: But Mr. Chairman.

Crane: Yes. Mr. Shipley.

Shipley: The bus terminal is not permitted.

Montana: It is included in the list of uses that they would allow in the C-3. Under transportation, wholesale trade, warehousing, and bulk storage land uses, bus terminal and parking facilities. And then on the back storage outside of materials, equipment and supplies. So you may want to recommend to the Council that they eliminate those uses.

Shipley: Question.

Crane: Yes, Mr. Shipley.

Shipley: Ms. Montana I don't have the list that you're holding up.

Montana: It's ...

Shipley: On the back.

Crane: In the back, page one on the back.

Montana: It's in the applicant attachment four.

Crane: Mr. Schluter do you have that document there? You probably don't. Is there some way we can get him one because I ... feeling it's not going to work to explicitly eliminate one allowed use.

Montana: The list Commission, on the first page as of ... land uses allowed at the bottom there's transportation, wholesale trade, warehousing and bulk storage land uses, which includes the bus terminal and parking facilities, commercial. And then land uses allowed with conditions on the back page is the transportation, wholesale trade, warehousing, and bulk storage land uses which is the outdoor storage. So those are ...

Crane: I'm sorry, I'm looking for the second item you just mentioned.

Montana: On page two of that C-3 list.

Crane: Yeah.

Montana: The second list.

Crane: Oh yes, the heading, right storage outside of buildings of materials, equipment.

Montana: Yeah.

Crane: And not for sale. Manufacturing and related land uses, construction yard or buildings, temporary, below that. I could see all those things being potentially ugly and I am interested in seeing how we could meet Mr. Schluter's objections which I understand and I think perhaps some of my fellow Commissioners do. Without micromanaging the allowed land uses for C-3. There may not be a way out of this other than to micromanage. What (inaudible) Ms. Montana, while he's looking at that.

Montana: Well you could recommend to Council that they strike those three

categories.

Crane: So it would be transportation, wholesale trade, warehousing and bulk storage on page one.

Montana: Yeah.

Crane: And similar adding on page two.

Montana: And the manufacturing and related ...

Crane: Related land uses.

Montana: Land uses. Correct.

Crane: Okay.

Beard: There's other things I would like to strike out.

Crane: Okay. Let's see what Mr. Schluter's (inaudible). Mr. Ochoa can you speak for Mr. Schluter. Maybe I should bring him up date. Okay. So far Mr. Schluter we got to the point, and I'm also addressing Mr. Byers, of considering taking out the transportation, wholesale trade, warehousing and bulk storage land uses which appears two places on page one and page two. And on page two manufacturing and related land uses. If those came out would you be in favor of the application? You better come up and talk to us.

Beard: I would actually suggest the retail land uses also, that very first one on that second page.

Crane: The flea market. All right.

Beard: That's you know, flea markets and seasonal sales type of thing.

Crane: Okay, let's say that too. So that's four items. Retail land uses, flea market etc. that's on the top of page two. Now if we took out those four or recommended to the Council we take out those four how would you feel?

Schluter: I would feel better.

Crane: Would you feel upset if the Commission voted in favor of the application with those four removed?

Schluter: Well it's just what I would like to see and the neighbors would like to see would be a nice park over there.

Crane: Part of it is parks are permitted.

Schluter: Yeah. There was ... there had been talk for quite some time about a satellite police station but I believe it was going to be where the recreation center has been as part of the firehouse building which I think is a great idea. And expanding on the senior citizen's center or multigenerational center is also a good idea. If they were to use this land that they're talking about and put in maybe a baseball field and basketball courts for the kids of the neighborhood of which there are quite a few, that would kind of expand the whole idea of the swimming pool, the recreation center and all. And what I didn't say before is that I just today learned that down on the end of Reynolds close to Dunn there's another field down there that looks like it has been prepared, it's not completed, for the very purpose that they're talking about using for storage across from my house. And so why two?

Crane: Do you know anything about that Ms. Montana? Is that city property?

Montana: No, I'm not aware of that property.

Crane: All right, thank you Mr. Schluter.

Schluter: Okay. Thank you.

Crane: Mr. Byers you have any comment? Don't have to say anything if you don't want to. You better come up.

Beard: We're taking out the transportation on the first page. On the second page we're taking out the first three.

Crane: Retail land uses, transportation, and manufacturing related uses. And I think ... yeah.

Byers: I, like Mr. Schluter would feel a lot better about it and his comments about a park would be much more agreeable to me and him and probable all the neighbors in that area. This would help.

Crane: Thank you sir.

Byers: Thank you.

Crane: Any other members of the public wish to comment? Okay, closed to discussion. Mr. Shipley.

Shipley: Ms. Montana. Access to this would be from the street, not from the

Bataan Memorial, is that correct?

Montana: That is correct.

Shipley: Okay. Thank you.

Crane: All right. Let me see, we had ... did you ... no we don't have a motion yet. Mr. Shipley would you like to move.

Shipley: I make a motion to approve Case Z2870 with the following condition, or conditions, it's one condition but it'll be four items, that transportation, wholesale trade, warehousing and bulk storage land uses not be included nor retail land uses on page two of that list, nor transportation, wholesale trade, warehousing and bulk storage land uses, and the last one would be manufacturing and related land uses would not be a part of this recommendation.

Crane: Thank you is there a second for that motion?

Beard: I second it.

Crane: Any discussion? In that case we'll start with roll call on ... with Mr. Beard.

Beard: I vote aye based on discussions and site visit.

Crane: Mr. Alvarado.

Alvarado: Vote aye based on discussion.

Crane: Mr. Stowe.

Stowe: I vote aye based on discussions.

Crane: Mr. Shipley.

Shipley: I vote aye based on discussion and site visit.

Crane: And the Chair votes aye based on discussions and findings. That passes five/zero. Thank you gentlemen.

## VII. OTHER BUSINESS

Crane: And is there any other business?

Montana: Yes Mr. Chair. There is a staff announcement and I'm happy to present that to you after you ask if there's any public participation.

## VIII. PUBLIC PARTICIPATION

Crane: Okay. Any public participation, not necessarily related to the two items we discussed? Okay, nobody signifies there is.

## IX. STAFF ANNOUNCEMENTS

1. Vistas Blueprint Kickoff

Crane: And so we will go to staff announcements.

Montana: Thank you Mr. Chair, Commissioners. I put on the dais in front of your chair a little handout about the community ... the Vistas Blueprint. I don't have a slide show about this, but the packet does show a little map in the east, way East Mesa. There's about 6,000 acres which is about four mile by four mile area of desert land, raw land that is owned by ... a little tiny piece is owned by the city, some land owned by the Bureau of Land Management, most of it's owned by the State Lands Office. The State Lands Office has asked the city to conduct a blueprint which is an area planning effort for what this ... what we're calling the Vistas. So this is the Vistas Blueprint. We had a kick off meeting last Thursday, the 20th at the East Mesa Dona Ana College campus and there are about 50 people who attended this, Commissioner Beard being one of them, to begin imagining what land uses, what densities, what roads, transportation systems, all the planning activities could take place in this 6,000 acres of land. This effort has a website that you can review, lascruces.org/vistas and then go to blueprint, and that page is in your packet here. And then you can take a little survey. What is your vision? What kinds of things would you like to see take place in this 6,000 acres? The last part of the handout is sort of a summary of some of the groups that partook of that planning session last week and some of things they looked at. A lot of them wanted mixed use development, very sustainable development, green development. They're conscious of water conservation. They're conscious of being able to have communities where you can walk around from the residential to commercial and back, recreation activities, and that sort of thing. So that was the first step of this Vistas planning effort, joint effort with the State Lands Office. The next meeting will be a design meeting, getting down to a little more detail than the visioning and that would be some time, a meeting sometime in May. And we certainly would enjoy your participation in this effort. And I'm happy to answer any question, although Commissioner Beard was at the meeting and he could probably answer your questions as well.

Crane: Thank you Ms. Montana. Any questions for Ms. Montana or for Commissioner Beard? Gentlemen have their lights on. Mr. Shipley. Your light's on?

Shipley: Oh, excuse me.

Crane: Okay. No questions for either our authorities here? You have a statement to make Mr. Beard. No is a statement.

Beard: To tell you the truth when we really dug into what this could be applied to it became very general, very wide. You can do almost anything and so you sort of have to figure out what you're simplified goal is and I don't know that we did that. I think for the most part we came up with things like this was going to be another small city, have all the resources and the capabilities of a small city and try to keep away any of the bad things that you might have in an old city.

Crane: Thank you. Thank you Ms. Montana.

## X. ADJOURNMENT (7:12)

Crane: If no other business then we stand adjourned at 12 after seven. Thank you.

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Chairperson