

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8

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

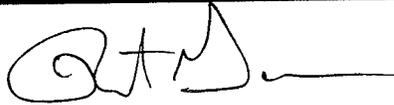
LEGISLATIVE

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		
<u>Drafter/Staff Contact:</u> Susana Montana, Planner	<u>Department/Section:</u> Community Development/ Building and Development Services	<u>Phone:</u> 528-3207
<u>City Manager Signature:</u>		

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

(Continue on additional sheets as required)

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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:

Asa M. Kelly

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

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

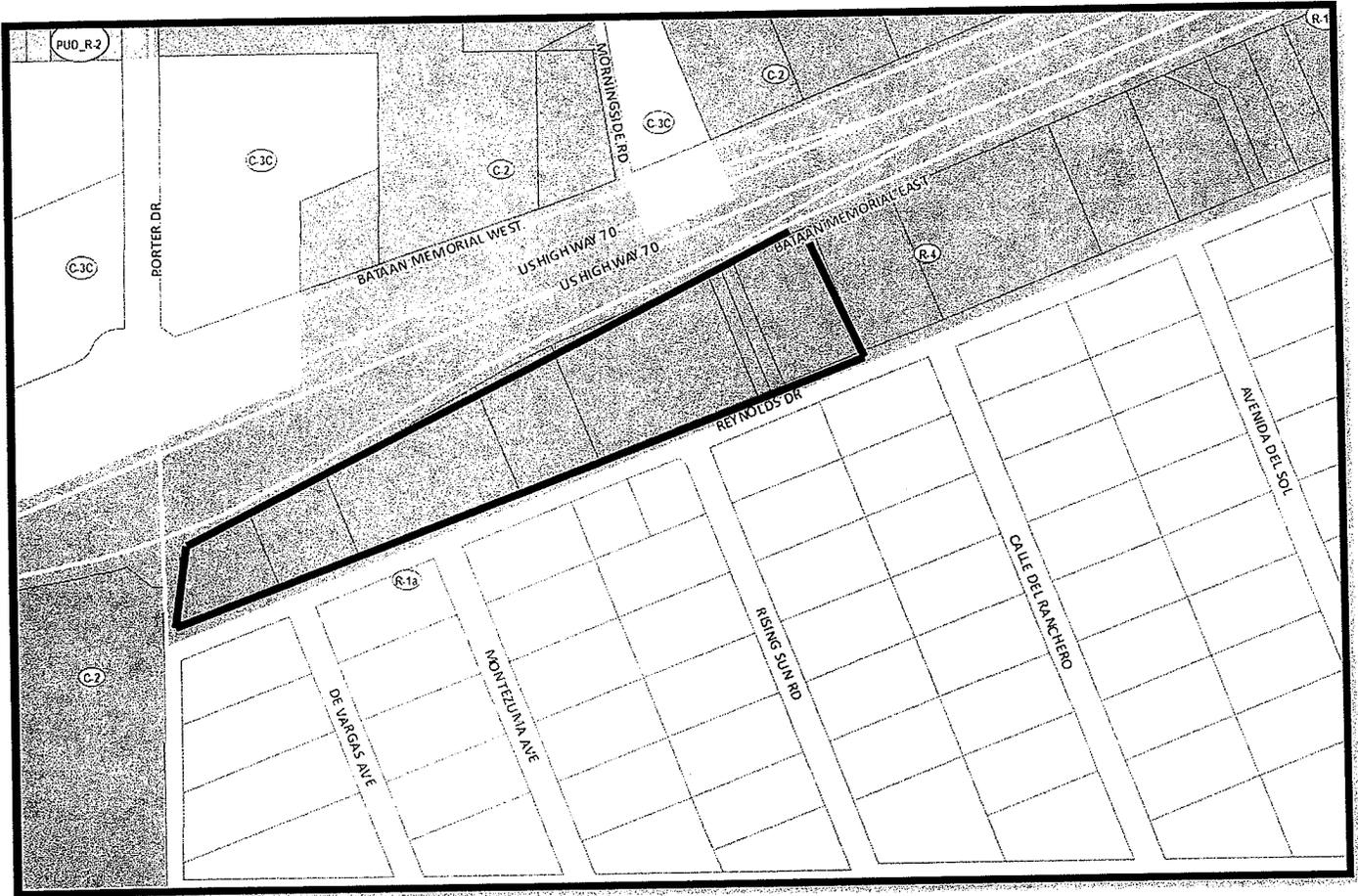
UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

- Antenna, Towers, Communication Structures, and Other Vertical Structures

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.



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



Planning & Zoning
Commission
Staff Report

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

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; 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



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 responsibility for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 328-3043.

Z2870 Subject Parcels

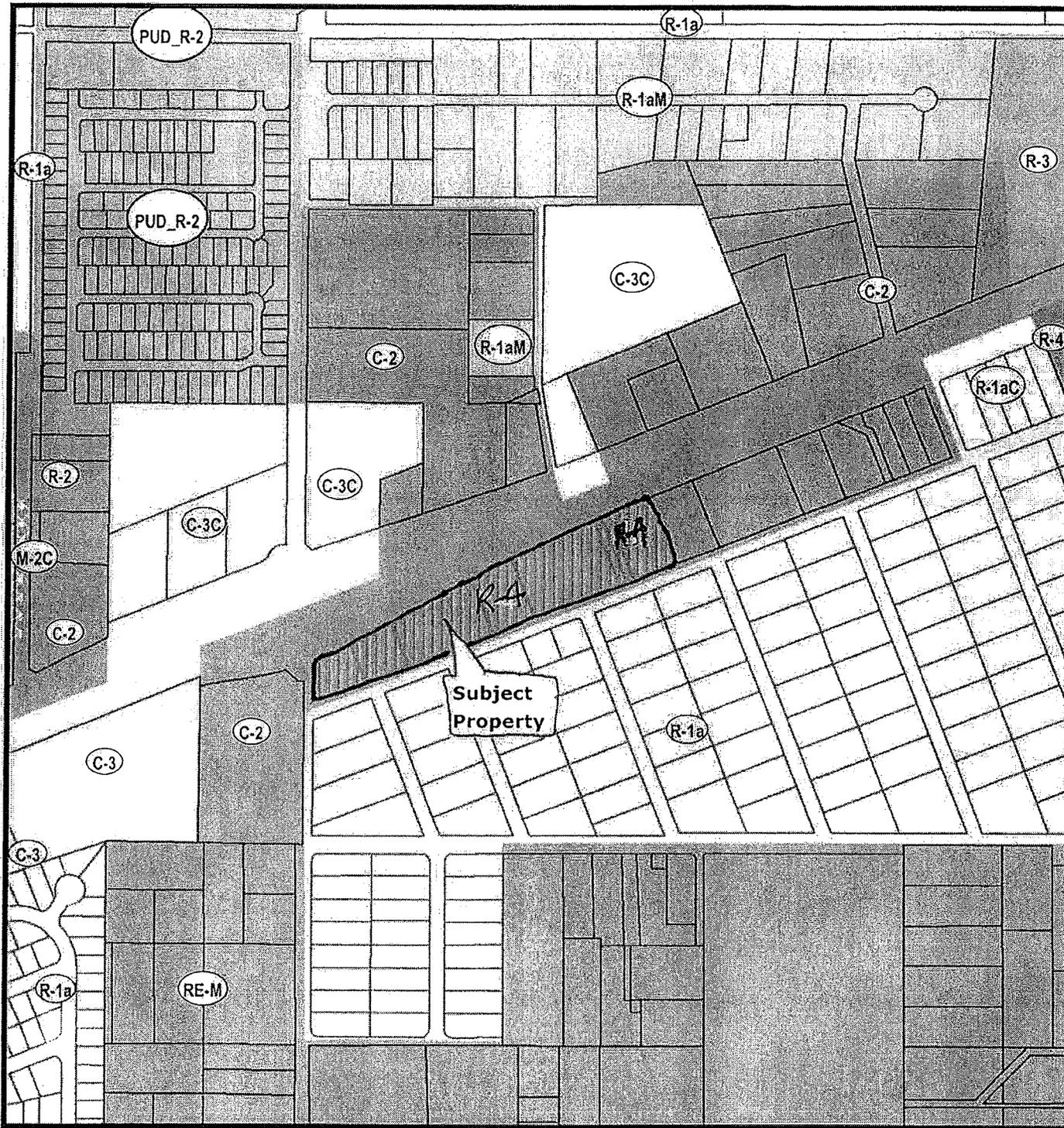


02-28345	.8 ac.	vacant
02-28346	.13 ac.	vacant
02-28348	.06 ac.	Vacant
02-28347	1.53 ac.	Vacant
02-19535	.79 ac.	Pool bldg., Parking
02-19537	1.2 ac.	Parking, pool
02-19541	.49 ac.	Senior center
02-19544	.48 ac.	vacant

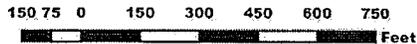
ZONING: R-4
OWNER: City of Las Cruces

Zoning Map

Attachment 3

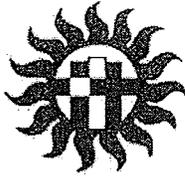


Z2870: 5110 Porter Drive
Rezoning from R-4 to C-3C



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

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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 # E 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")
4-012-129-099-473

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 <u>N/A</u> to <u>C3C</u>		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 _____

[Handwritten Signature]

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)
)
 COUNTY OF DONA ANA) ss

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 1/2" 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

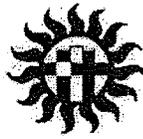
Face Mount (Attached to Primary Use)

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



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: *License license for restaurant not permitted, senior center can hire a caterer to provide beer and wine for special events.*

RECOMMENDATION: X APPROVAL DENIAL

Reviewer: *Susana*

Date: *2/10/14*


City of Las Cruces
 PEOPLE HELPING PEOPLE
MPO REZONING 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

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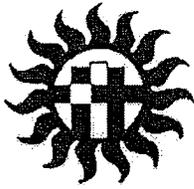
MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Bataan Memorial East	Adj	Res	Minor Arterial	100'		647 2010 data		

Recommended Conditions of Approval

Additional Comments

Reviewer: Andrew Whay

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		<u>X 550E</u>
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

DEVELOPMENT IMPROVEMENTS:

<i>Vacant land</i>	Drainage Calculation needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____	} <i>must meet CLC Drainage studs; 3+ acres requires a drainage report</i>
	Drainage Study needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____	
	Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	_____	
<i>ADA</i>	Sidewalk extension needed	YES <input checked="" type="checkbox"/>	NO _____		
	Curb & gutter extension needed	YES <input checked="" type="checkbox"/>	NO _____		
	Paving extension needed	YES <input checked="" type="checkbox"/>	NO _____		} <i>for access to Bataan Memorial</i>
	NMDOT permit needed	YES <input checked="" type="checkbox"/>	NO _____		

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Conditional Approval _____ Denial

Reviewer: Natasha Billy

Date: 2/13/14



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

ON-STREET PARKING IMPACTS:

None Low Medium High

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

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

Is a TIA required? Yes No

If yes, please provide findings: _____

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: YWC Approval Denial

Comments:
Reviewer: H. Espinoza

Date: 2/18/14

RECEIVED

FEB 18 2014

TRAFFIC

- 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 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.

COMMENTS:

RECEIVED

FEB 12 2013

CITY OF LAS CRUCES
LAND MANAGEMEN

RECOMMENDATION: X APPROVAL DENIAL

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



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	<u>X</u>	_____	_____
Secondary Site/Lot Accessibility	<u>X</u>	_____	_____
Fireflow/Hydrant Accessibility	<u>X</u>	_____	_____

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 _____

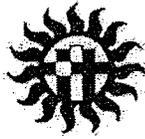
Explain: _____

**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.*
DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval _____ Denial
Comments:

Reviewer: [Signature]

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: Shanna Martin
Deputy Chief

Date: 2-14-14



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

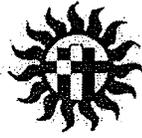
Approval with conditions:

Reviewer: 

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: APPROVAL DENIAL

Reviewer: Dana K. Korman

Date: 2-22-14



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 between 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

Explanations Google earth indicates access is off of Reynolds

COMMENTS:
As long as access is off of Reynolds. then the
win: 027- has no comments.

RECOMMENDATION: ✓ APPROVAL _____ DENIAL _____

Reviewer: _____ Date: 2/17/14 Contact information: 544-1544
Maria Lopez



**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.



Susana Montana, Planner
Community Development Department
Building and Development Services

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

- 1 Crane: Approval of the minutes for the last meeting 25th of February. Does any
2 Commissioner have any amendments? Mr. Shipley.
3
- 4 Shipley: Page 4, line number 22, the sentence reads "there are pet owners maybe
5 who lost a pet and has extra", and I think that "has" should be "have
6 extra".
7
- 8 Crane: Did you say?
9
- 10 Shipley: Have. H A V E.
11
- 12 Crane: Oh, I beg your pardon, you're on page 22.
13
- 14 Shipley: Page 4, line 22.
15
- 16 Crane: Have, yes.
17
- 18 Shipley: And page 10, line number 44, the first word in the sentence is "shifted" it
19 should be "sifted". S I F T E D. And that's all I had Mr. Chairman.
20
- 21 Crane: Thank you. Any other Commissioner? I have one, page 9, line 24, "any
22 other questions for Ms. Montana" I think should be, rather than "from Ms.
23 Montana". That's all I have. And so I'll entertain a motion that the minutes
24 of the last meeting be accepted as amended.
25
- 26 Shipley: I move to accept the minutes.
27
- 28 Crane: Moved by Mr. Shipley. Do I have a second?
29
- 30 Beard: Second.
31
- 32 Crane: Seconded by Mr. Beard. All in favor aye.
33
- 34 ALL: AYE.
35
- 36 Crane: Against? Abstaining? Okay, it passes five/zero. Thank you.
37

38 IV. CONSENT AGENDA

- 39
- 40 1. Case PUD-13-02: MOVED TO NEW BUSINESS
 - 41
 - 42 2. Case Z2870: MOVED TO NEW BUSINESS
 - 43

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

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

12
 13 **V. OLD BUSINESS - NONE**

14
 15 **VI. NEW BUSINESS**

16
 17 Crane: So now let me explain how we handle new business items. A member of
 18 the Community Development Department, very probably Mr. Ochoa, will
 19 make a presentation and then the Commissioners may have questions of
 20 him. Then we invite the interested parties, the people who have applied
 21 for the variance or whatever the matter is, to come up and give an
 22 address, again we may have questions. Finally we open the mike to the
 23 public to come up and give their opinions and we may have some
 24 questions of them. Could I please see a show of hands, number of people
 25 in the audience who expect to come up and talk to us about any one of
 26 these ... either one of these two matters? I see one, okay, in that case I'm
 27 not going to ask our secretary to time people, but we'd all appreciate it if
 28 you could keep it succinct, but take the time necessary to make your point.

- 29
 30 1. **Case PUD-13-02:** Application DVI on behalf of Deko Properties, LLC,
 31 property owner, for a Concept Plan for a Planned Unit Development (PUD)
 32 known as the Sunset Grove PUD. The Concept Plan proposes to convert the
 33 existing and proposed condominiums, 50 in total, into fee-simple townhome
 34 lots with all interior roads and common areas, including the existing
 35 clubhouse, privately owned and maintained. The subject area encompasses
 36 24.23 +/- acres and is located at the southern dead-end of Calle de Ninos,
 37 north of Farney Lane; Parcel ID# 02-41508 & 02-41509. Proposed use:
 38 Single-Family Residential; Council District 2 (Councillor Smith).

39
 40 Crane: All right, so Case PUD-13-02, Mr. Ochoa.

41
 42 Ochoa: There you go. Thank you Mr. Chairman. Adam Ochoa, Development
 43 Services for the record. Mr. Shipley since you are the Commissioner that
 44 took this off, is there any specific question you had about the PUD that I
 45 could answer for you or possibly the applicant can answer for you, or
 46 would you like a full presentation sir?

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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

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

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

Draft

1 questions, curious about what's going on, but no general consensus either
2 against or for the proposed PUD. With that the applicant is ... the
3 applicant's representative is here to answer any questions you might have
4 for them, and I stand for questions.
5

6 Crane: Thank you Mr. Ochoa. Mr. Shipley.
7

8 Shipley: Thank you Mr. Ochoa. That's a very good presentation.
9

10 Ochoa: Thank you.
11

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

17 Ochoa: It'll be to the maximum height, yes sir.
18

19 Shipley: Yes.
20

21 Ochoa: That is correct.
22

23 Shipley: Went up four feet. Also, there was a question, I had a question, you've
24 got 11 parking stalls with two ADA parking stalls and that of course is at
25 the swimming pool; with the number, was that size for the number of
26 people that are going to be there? The total number?
27

28 Ochoa: Mr. Chairman, Commissioner Shipley, those are more of a public parking
29 area intended for the pool house or clubhouse area. There is still the
30 garage parking as well as the (inaudible) parking area behind each unit if
31 you will. As to if that was taken into account for public parking I would not
32 know sir. I'm going to pass that to the applicant.
33

34 Shipley: Okay. I'll let the applicant answer that. But the other question that I had
35 was the street width was cut to 20-feet and if you park a row there, there's
36 no sidewalks, there's I think everybody has to walk in the street basically
37 to go through the addition as you add on to that addition. The second
38 thing that I was concerned about was that there was no second means of
39 egress or ingress to this facility, so if there was ever a catastrophe on the
40 entryway there's ... and someone else had a medical emergency there
41 would be no way to get them out unless you walked in, put them on
42 gurney and then hoisted them on your shoulders and carried them out.
43 And I was concerned with that. I did go look at the property and what
44 you're calling an agricultural area I believe is basically being used as a
45 retention pond. Is that not correct?
46

Draft

- 1 Ochoa: Mr. Chairman, Commissioner Shipley, currently yes it is.
2
- 3 Shipley: Okay. So there was no means of connecting to the street to the south in
4 other words?
5
- 6 Ochoa: Mr. Chairman, Commissioner Shipley, that is correct. I believe when the
7 original master plan was approved that was kind of one of the conditions
8 for approving it was that there was to be no access to Farney Lane
9 because of I believe public opposition for that sir.
10
- 11 Shipley: Could there not be an emergency access around ... built across there to
12 give them that kind of ... you know with a gate on it that only the police or
13 fire or whatever could have you know keys like they do in many places
14 around here so that there would be a second means of ingress or egress
15 there in case of emergency?
16
- 17 Ochoa: Mr. Chairman, Commissioner Shipley that's something we can definitely
18 take into account. I believe the applicant was in contact with our fire
19 department for all code requirements and I'll defer to them and they can
20 probably answer that a little better than I can sir.
21
- 22 Shipley: Okay, and the other thing was the parking spaces it states in here that at
23 least this was a part of your Sunset Grove townhouse PUD advanced
24 planning comments, it might've been Carol McCall's comments.
25
- 26 Ochoa: Yes sir.
27
- 28 Shipley: With regard to 200 residential parking spaces or four per unit but for the
29 pool you've only got a total of 11 parking places for basically the 50 units.
30
- 31 Ochoa: Mr. Chairman, Commissioner Shipley the way the clubhouse and the
32 parking area, it currently already exists the way it is. I don't know if there
33 is actual any prevention from people just parking at their homes, at their
34 destination and walking to the pool area or to the clubhouse. And I don't
35 know ... I believe there will be some I guess not allowing some on street
36 parking if you will but I'm sure there'll be some areas for that parking.
37 Again the applicant can probably answer that a little better sir.
38
- 39 Shipley: Okay. When was this completed, the initial four buildings completed?
40
- 41 Ochoa: I believe that was all completed in 2006 sir.
42
- 43 Shipley: 2006, so they've had seven years. Have there been any problems there
44 with parking or?
45
- 46 Ochoa: Mr. Chairman, I'll go ahead and let the applicant answer that sir.

Draft

1
2 Shipley: All right.
3
4 Crane: Thank you. Any other Commissioner wish to ask any questions of Mr.
5 Ochoa? All right, the applicant is here I believe. Please identify yourself
6 sir and I will swear you in.
7
8 Denton: Commission members, my name's Harold Denton with DVI. I'm the
9 architect, planner. I'm here representing Chisholms, that's the actual
10 owner of the property.
11
12 Crane: Let me swear you in sir. Now we know your name, let me swear you in.
13 Do you swear and affirm that the testimony you're about to give is the truth
14 and nothing but the truth under penalty of law?
15
16 Denton: I do.
17
18 Crane: Thank you, please proceed.
19
20 Denton: I wanted to introduce Chad Everhart back here with Chisholms, one of the
21 owners of the property also. To address a few of the specifics that you
22 raised; we would be required by codes to have two parking spaces per
23 unit and since the facility is dedicated to those 50 units for use and not a
24 public use, we would not be required to have any parking spaces. So we
25 are well over twice the number of parking spaces that would be required.
26 And since we are providing parking spaces at the clubhouse pool facility
27 we included handicaps there also. Okay. As far as access, again, and we
28 went through reviews on this back in 2006, with the fire department, with
29 all of the city utilities and staff and so forth. We're only required to have
30 one access by code. If we were a residential single-family we would have
31 ... at 50 I think we go to two, but when it's multi-family I think we can have
32 up to 90, maybe it's 100, but it's just one of those two numbers and so
33 we're well within that requirement. We originally proposed an access out
34 to Farney and we were told by the P&Z and others not to do that access.
35 We didn't. We've had no problems. It works very well. The problem is
36 financing. And that's really why we're here and I want to just say, you
37 know I can give you a whole full presentation again, but I think the short
38 presentation is we're here because we're in a different economy today
39 than we were back in 2006. Financing a condominium today is very very
40 difficult and so really we're using the PUD as a replat if you can look at it
41 that way. It's what we needed to go through to replat this to create fee-
42 simple townhouse units. And they are set up as townhouse units, there
43 are no changes being made. The height change, that's not meant - I
44 mean that's a typo if you will. We're not raising the height of the units. I
45 think by the zoning we're allowed quite a bit more, like 40 feet or so, so
46 we're just really pulling it down. But it's the same buildings, it's the same

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

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

13
14 Crane: Thank you Mr. Denton. Now don't sit down yet. Anybody have a question
15 for Mr. Denton? Mr. Stowe.

16
17 Stowe: What does it mean agricultural in the context of townhouses?

18
19 Denton: Well we haven't tied down exactly what the crop is. At one point we were
20 thinking about pecan trees but because of the water usage and the
21 drought conditions that we're in, I think today we're thinking of a less
22 ntense water use type of crop. A number of things have been suggested.
23 Pat what would you thinking (inaudible) in there.

24
25 Denton: Pat's brother-in-law produces. Excuse me?

26
27 Crane: Could you please repeat what Pat said? Because he wasn't at the mike.

28
29 Denton: Pat said probably rosemary. His brother-in-law grows rosemary
30 commercially and that's one of the things we're looking at doing there and
31 would be a very nice smelling addition to the neighborhood.

32
33 Stowe: But would townhouse owners have a plot of land for their use?

34
35 Denton: Pardon me?

36
37 Stowe: Would townhouse owners have access to the agricultural land?

38
39 Denton: They have use ... they have the right to use the maintenance or walking
40 trails that do surround the property and those trails do go from Farney
41 over to the lateral okay, cause that's where irrigation water comes from to
42 get to the tract of land. But it is a separate piece of property because it's
43 got to be handled like a farm to work.

44
45 Stowe: Right. It sounds like it would be an interesting amenity for townhouse
46 owners to be able not to own but to use a small plot.

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1
2 Crane: Like an allotment. You have nothing in mind for that, giving a little plot to
3 farm.
4
5 Denton: There was some discussion with the city about that and we talked about
6 making it available if there was some interest but there wasn't when we
7 got into it. It's a kind of difficult thing to make happen, it really is.
8
9 Crane: Mr. Shipley.
10
11 Shipley: How many people reside in the current condominium?
12
13 Denton: The 16 units that are there are fully occupied.
14
15 Shipley: Fully occupied.
16
17 Denton: And the clubhouse was built in that first phase also, so the pool's there,
18 the recreation area, meeting area, and bathrooms, basically what it is.
19
20 Crane: Thank you. Any other Commissioner have a question? Thank you Mr.
21 Denton.
22
23 Denton: Thank you.
24
25 Crane: Any member of the public wish to address this issue, PUD-13-02? In that
26 case I'll close the matter to ... yes.
27
28 Dubbin: Mr. Chairman, point of clarification about the second access and fire. Just
29 for your information the current fire code allows up to 30 dwelling units
30 with a single point of access or 200 if they are sprinklered. So it does not
31 meet the current code. We're aware of this. It's a plan that was
32 developed 10 years ago and it's something that we work with. But just for
33 your information it does not meet the current code.
34
35 Crane: Well Mr. Denton do you want to add to your statement?
36
37 Denton: Well that's 30 single-family lots. Yes it is. Multi-family it's higher than that.
38 It's both in the uniform fire code and in the international building code.
39
40 Dubbin: The code ...
41
42 Crane: Fire department.
43
44 Dubbin: The code calls it dwelling units it doesn't differentiate apartments or
45 houses. Single dwelling units.
46

- 1 Denton: So you're overriding the national codes on that?
2
- 3 Dubbin: I'm not overriding it, it's a plan that was approved 10 years ago. It's not
4 something that would be approved today. We can sprinkle the further
5 developments, but in a case like this we deal with what's there and what
6 the best we can deal with.
7
- 8 Crane: Are you saying this cannot go ahead as planned?
9
- 10 Dubbin: It can yes. We did approve it.
11
- 12 Crane: Okay.
13
- 14 Dubbin: But just to clarify what the code was.
15
- 16 Crane: So the changing from co-ops ... from condos to townhouses does not fall
17 over the regulations, there's no change?
18
- 19 Dubbin: Not in the fire code.
20
- 21 Crane: Okay.
22
- 23 Dubbin: We don't oppose the zone change.
24
- 25 Crane: Thank you. Anyone else wish to address this issue? Okay, so I'll close it
26 to public discussion. Commissioners? We have a motion before
27 effectively to approve this application.
28
- 29 Shipley: No we don't. We haven't made a motion.
30
- 31 Stowe: I have a question.
32
- 33 Crane: All right Mr. Stowe.
34
- 35 Stowe: Maybe Mr. Ochoa can help. I'm confused whether all of the requirements
36 were met under the DRC? All the different city departments, did they all
37 eventually approve or is there more work that remains to be done?
38
- 39 Ochoa: Mr. Chairman, Commissioner Stowe the DRC does review, if you can read
40 the second sentence there, DRC does review the infrastructure, utilities,
41 and improvement requirements for subdivisions from a technical
42 standpoint so that essentially includes our engineering department, that
43 includes planning of course, utilities, parks, fire is part of that DRC as well,
44 and everybody did vote to approve that.
45
- 46 Stowe: Traffic.

1
2 Ochoa: Traffic as well, yes sir. And as you can see in your packets as well on the
3 back you do have all the reviews that it went through. Basically those
4 technical departments did approve the proposed PUD after just two
5 reviews I believe is what it was.
6
7 Stowe: Right. A number of them had punch lists that required work. That work
8 has been done?
9
10 Ochoa: Essentially yes sir. The final is what is being proposed now.
11
12 Stowe: Thank you.
13
14 Crane: Commissioner Beard.
15
16 Beard: I was going to recommend ... I was going to move to approve PUD-13-02.
17
18 Crane: Okay, do I have a second.
19
20 Beard: With staff recommendations for approval.
21
22 Crane: All right. Is there a second for that?
23
24 Stowe: Second.
25
26 Crane: Seconded by Mr. Stowe. Any further discussion among the
27 Commissioners? Mr. Shipley.
28
29 Shipley: I only had one other question. There was a comment that I read about
30 there was supposed to be a sidewalk along the ... was it Farney and that's
31 I think what Mr. Stowe was alluding to is that had never been completed.
32
33 Ochoa: Mr. Chairman, Commissioner Shipley that sidewalk against Farney was
34 something that they were requesting, but because of again the neighbor
35 back when the master plan was approved and this project was approved
36 the neighborhood actually came against that sidewalk and now that the
37 applicant has actually built a rock wall so close to the curb now if you've
38 gone out there.
39
40 Shipley: Yes.
41
42 Ochoa: A sidewalk would be almost impossible to build right now so that's
43 basically why the sidewalk has been left alone sir. Farney is classified as
44 a collector roadway by the Metropolitan Planning Organization but it is a
45 constrained thoroughfare. So they did ... they took into account that that

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- 1 roadway is going to stay essentially what's there now is what it's going to
2 be.
3
- 4 Shipley: Okay. Thank you.
5
- 6 Ochoa: Yes sir.
7
- 8 Crane: Okay, Commissioners, anybody want to discuss this further? If not we'll
9 do a roll call vote. Let's start for a change with Mr. Shipley.
10
- 11 Shipley: I vote aye, findings, discussion, and site visit.
12
- 13 Crane: Mr. Stowe.
14
- 15 Stowe: I vote aye, findings, discussion, and site visit.
16
- 17 Crane: Mr. Alvarado.
18
- 19 Alvarado: I vote aye, findings and discussion.
20
- 21 Crane: Mr. Beard.
22
- 23 Beard: Aye, findings, discussions, and site visit.
24
- 25 Crane: And the Chair votes aye based on findings, discussion, and site visit. The
26 applicant passes five/zero. Thank you.
27
- 28 2. **Case Z2870:** Application by the City of Las Cruces for a rezoning of 8 City-
29 owned parcels from R-4, High-density Multi-family Residential and Limited
30 Retail and Office District, to C-3C, Limited High Intensity Commercial District
31 to support recreational activities, institutional uses such as public safety
32 offices, and City equipment and supply storage activities, and ancillary uses
33 on Parcel ID# 02-19544, 02-19541, 02-19537, 02-19535, 02-28347, 02-
34 28345, 02-28348, 02-28346 for a total of 5.41 acres of land located at 5110
35 Porter Drive and 6221 Reynolds Drive. Council District 6 (Councillor
36 Levatino)
37
- 38 Crane: We'll go on now to Case Z2870, application by the city for rezoning of
39 some parcels from R-4 to C-3 at 5110 Porter Drive and 6221 Reynolds
40 Drive. And Ms. Montana is standing up there which means she's going to
41 give the introduction. Please continue. Oh my, you have to be sworn.
42 Mr. Ochoa nothing you said was ... nothing you said is any good because
43 I forgot to swear you. But you look honest. Do you swear and affirm that
44 the testimony you are about to give is the truth and nothing but the truth
45 under penalty of law?
46

1 Montana: I do.
2
3 Crane: Thank you.
4
5 Montana: Thank you Commissioners. What you have before you is a request for a
6 rezoning. The property, there are eight parcels owned by the city in the
7 East Mesa area, south of 70, east of Porter, and north of Reynolds.
8 These properties are partially used, there are five vacant parcels; one
9 parcel is occupied by a senior center which has food service or a
10 restaurant in the senior center and there is city sponsored, city owned
11 aquatic center, swimming pool. This is an image of the senior center and
12 there, immediately to the north of that is a little park area, a little pocket
13 park and beyond that you can see part of the swimming pool, the fence for
14 the swimming pool.
15 Currently the properties are zoned residential, R-4, medium high
16 density with some limited retail and office use but not the kinds of retail
17 and office use that the senior center would like to engage in. The seniors
18 would like to have more activities, more recreational activities, some
19 educational activities, public safety, sheriff's department and police
20 department, auxiliary office space within that center. Those are the kinds
21 of things that cannot be done under the R-4 zoning. The R-4 allows the
22 swimming pool and the senior center but not these other related activities.
23 The applicant, the city, would like to rezone the property to C-3C, the C
24 being the conditions and in your packet you have the very limited
25 commercial activities that could take place as part of that C, the condition.
26 The city contracted with café operator to provide the senior lunches. The
27 city was not in a position to provide that food service to the seniors so they
28 contracted with this operator, however, because it's a separate operator it
29 needs ... it's deemed a restaurant and therefore it needs the C-3 limited
30 zoning. The seniors would also like to offer dancing at the center and this
31 requires oddly a nightclub/with dancing permit which is not allowed in the
32 R-4 and therefore they're seeking the C-3. The city would also like to use
33 the vacant lots for outdoor storage for equipment and materials and that
34 again is not allowed in the current R-4 zoning.
35 We looked at the area around the subject parcels and there is
36 some C-2 commercial limited or general commercial zoning but that didn't
37 fit to extend that to these eight parcels because the C-2 did not allow or
38 does not allow the dancing or some of the other recreational activities that
39 the city would like to sponsor at those eight parcels. So, that brought us
40 back to the C-3, the limited C-3. Based on the findings stated in your staff
41 report, staff does recommend approval of the limited C-3 uses for this
42 property. Your options today are to vote yes to recommend approval of
43 the C-3C zoning to the City Council; to vote to recommend approval with
44 conditions; to vote no to recommend denial; or to vote to table or postpone
45 and direct staff accordingly. And I'm happy to answer any questions you
46 may have. A representative from the city's land management office is

- 1 here as well who may be able to answer some of your questions.
2
- 3 Crane: Thank you Ms. Montana. Mr. Alvarado, your light's on. You want to
4 address us? Okay. Mr. Shipley.
5
- 6 Shipley: Thank you Ms. Montana. That was very nice. The seventh page of your
7 handout has a policy 32.3 and says regional commercial uses and this to
8 me is high density. I mean it says 75,000 square feet, gross square feet
9 of commercial use etc. Is this an overstatement or ... C-3 is not that size
10 is it?
11
- 12 Montana: Well yes ... that's correct. This is the only policy in the comprehensive
13 plan that remotely related to this and so we had to present it to you, but
14 there is not a policy in the comprehensive plan. It's a new comprehensive
15 plan just adopted last year that really relates to what the city wants to do
16 with the limited C-3 zoning here. But this is ... I had to present it to you as
17 one of the policies in the comprehensive plan.
18
- 19 Shipley: Okay. So this is quite a gross overstatement.
20
- 21 Montana: Yes. Yes that policy is.
22
- 23 Shipley: Second thing is, there's also a note in there that there is a possible replat
24 of the remaining vacant lots into one lot.
25
- 26 Montana: Well there is a current application that's been pending for several years,
27 however, I expect that they will amend that current application to create
28 fewer lots than the eight because there are two that are much too small.
29 The C-3 requires a minimum of half acre, so they will adjust the lot lines to
30 create at least the half acres, but there'll probably be some larger parcels
31 as well.
32
- 33 Shipley: Is the C-3 ... I thought the C-3 was greater than one acre. C-2 was up to
34 one acre isn't it?
35
- 36 Montana: That's correct, half-acre minimum lot size in C-3.
37
- 38 Shipley: Okay.
39
- 40 Montana: And so those two little pieces that were at one time a road right-of-way will
41 have to be combined with the parcels next to it.
42
- 43 Shipley: Okay.
44
- 45 Montana: So that we can achieve the minimum half acre.
46

1 Shipley: Thank you. That's all the questions I have for right now.
2
3 Crane: Any other Commissioner have questions of Ms. Montana? Thank you Ms.
4 Montana. Is the applicant here? Oh the applicant is of course city.
5 Definitely here.
6
7 Montana: Yes. Mr. Hernandez is here if you have any questions of him but ...
8
9 Crane: And his title is again, the land use management?
10
11 Montana: He's with the city's land management and right of way office.
12
13 Crane: Okay.
14
15 Montana: If you have any questions of him, he's available, but he didn't really have a
16 presentation for you tonight.
17
18 Crane: Gentlemen. Thank you Mr. Hernandez for turning up. Any member of the
19 public wish to address this? Yes sir. Please come up and identify
20 yourself and be sworn in.
21
22 Schluter: Good evening. My name is Karl Schluter. I live at 5070 Rising Sun Road,
23 directly across the street from where the rezoning is planned.
24
25 Crane: Okay. Do you swear and affirm that the testimony you are about to give is
26 the truth and nothing but the truth under penalty of law?
27
28 Schluter: I do.
29
30 Crane: Please continue.
31
32 Schluter: My concern is exactly what it is that's going to be put across the street
33 from my house and what impact will it have on the property values of my
34 house, the people across the street from me, and the other houses not
35 only on Reynolds but in that whole neighborhood all the way down one
36 block to Cortez. If it's going to be commercial property that can certainly
37 take away the property values of my house.
38
39 Crane: Well perhaps we can ... Ms. Montana can you help this gentleman, Mr.
40 Schluter.
41
42 Montana: Well let's see if we can find your property. Which one is your property?
43 Right here? Right here?
44
45 Schluter: I'm right on the corner. This is (inaudible).
46

1 Montana: Here's Rising Sun right here.
2
3 Schluter: Yeah, I'm right on the corner of Reynolds and this is mine right here. I
4 own these two pieces of property.
5
6 Montana: Okay those two pieces. In the short term those would probably ... the lots
7 right across from you right here.
8
9 Schluter: Yeah.
10
11 Montana: Would probably be occupied by some vehicle storage, public works, that
12 sort of thing. In the long term it will probably be some sort of play field,
13 recreational activity.
14
15 Schluter: Okay. So basically in the short term, however short or long that may be,
16 the value of my property goes down considerably and that of my
17 neighbors.
18
19 Crane: What are you looking at, at the moment Mr. Schluter? You looking across
20 ... what is that street, Reynolds?
21
22 Schluter: Across Reynolds, yes.
23
24 Crane: At a vacant lot?
25
26 Schluter: Yeah, the vacant lots across Reynolds next to the pool going east.
27
28 Crane: And then beyond that is the frontage road, Bataan Memorial, right?
29
30 Schluter: That's correct.
31
32 Crane: And Ms. Montana if a vehicle yard went up there, would it have opaque
33 fencing around it?
34
35 Montana: Yes it would and be screened. It would be an opaque, couldn't see
36 through it, fence around it, if it were outdoor storage.
37
38 Crane: And that would be city vehicles?
39
40 Montana: City, only city. All of these would be only city activities.
41
42 Crane: Can you tell Mr. Schluter anything that would reassure him about his
43 property values?
44
45 Montana: Well it's really too early at this stage. Land management didn't have any
46 particular plans except for what the senior citizens wanted here. And in

- 1 the packet there's a list of activities ...
2
- 3 Crane: Excuse me. Would you back up? In the packet ... say that please cause
4 you weren't at the mike.
5
- 6 Montana: In the staff report there's a list of the commercial uses that could take
7 place on those properties, but it's again very theoretical. We just don't
8 know at this time.
9
- 10 Crane: Why did you say that there will or could be vehicle parking there?
11
- 12 Montana: That's one of the things that land management suggested that they
13 wanted to do in the short term for these properties that were undeveloped
14 vacant, storage of materials, sometimes gravel, storage of vehicles. They
15 did mention that.
16
- 17 Crane: Okay, thank you. Mr. Schluter does that at least answer your question?
18
- 19 Schluter: Well what I see here in retail land uses it makes note of a bar/nightclub on
20 occasional basis. I'm assuming that is where it is the senior center which
21 is down over here. That's not so bad if occasionally there is a dance or a
22 party there. So there doesn't seem to be anything for seniors of which I'm
23 one. And below that on this same list it says transportation, wholesale
24 trade, warehousing and bulk storage land uses. Wholesale trade and
25 warehousing, that's not going to help my property values. I just don't think
26 that it's fair that we should be asked or perhaps even forced to accept big
27 cuts in our property value so that the city can use the area across the
28 street from my house to store vehicles and equipment when it seems to
29 me there's an awful lot of land in the East Mesa area that could be used
30 for that, that is not adjacent to a residential area.
31
- 32 Crane: All right. Thank you Mr. Schluter. Does any member of the Commission
33 want to ask Mr. Schluter any questions? Okay, thank you sir.
34
- 35 Schluter: Okay. Thank you.
36
- 37 Crane: Any other member of the public wish to address this issue? Yes sir.
38 Please tell us your name.
39
- 40 Byers: My name is John Byers and I live in the Hacienda Acres area not in the
41 area that's of concern tonight.
42
- 43 Crane: Let me swear you in. Do you swear and affirm that the testimony you are
44 about to give is the truth and nothing but the truth under penalty of law?
45
- 46 Byers: I do.

1
2 Crane: Thank you Mr. Byers. Tell us where Hacienda Acres is.
3
4 Byers: Hacienda Acres is the area you're talking about and it extends I think from
5 about Dunn Drive all the way down to Porter Drive and south from there. I
6 don't know how far south it goes. And I live quite a bit south from there.
7 I'm familiar with the area that you're talking about tonight. I go on my
8 morning walk all the way down that street every morning. Nice quiet area
9 and I was wondering just ... I do just have a couple questions about the
10 storage that you're planning out there. You did mention that there would
11 be some ...
12
13 Crane: Hold up a minute sir. Your mike went off. Mr. Ochoa could you tell the
14 gentlemen in there that the public mike has just gone dead, or does he
15 need to push the red button?
16
17 Byers: Okay.
18
19 Crane: You were speaking of the storage lot.
20
21 Byers: Oh yes. I ... you have stated that you're going to put some screening
22 around it but my concern is also not only what it looks like, we have
23 enough places along that highway that look terrible because of junk and
24 everything is stored there. Doesn't make a good impression to visitors
25 and for people living out there it does devalue their properties. But my
26 concern also is the noise created by all this equipment you're going to be
27 firing up probably every day to the neighbors in that area. And also the
28 wear and tear on the already crumbling roads that are in the entire area. If
29 anything has been done to any consideration for that, that's being done.
30
31 Crane: Thank you Mr. Byers. Hold up just a minute. Anybody have any
32 questions of Mr. Byers? Okay, thank you Mr. Byers. Any other member
33 of the public? Okay then I'll close the matter to discussion.
34 Commissioners I'll entertain a motion that ... I'll entertain a motion. I
35 would like to suggest ... no, I'll rescind my suggestion. May I have a
36 motion?
37
38 Beard: Discussion?
39
40 Crane: Got to have a motion first. Then we can discuss.
41
42 Beard: Beg your pardon?
43
44 Crane: Then we can discuss.
45
46 Beard: Okay.

1
2 Crane: Move that we approve (inaudible).
3
4 Beard: Okay.
5
6 Shipley: Point of order.
7
8 Crane: Yes sir.
9
10 Shipley: We can have discussion. I mean if there's questions that we need
11 answered before we make a motion we might want to make some
12 amendment to the motion or some condition.
13
14 Crane: That's what I had in mind, but still, okay, let's do it.
15
16 Shipley: Why don't we have discussion?
17
18 Crane: Discussion. Yeah. Well since I've got the mike I have some sympathy for
19 the concerns of Mr. Schluter and Mr. Byers and I would like the
20 commission to consider motion to approve with the condition that the city
21 erect only permanent buildings or use these lots only for permanent
22 buildings at the very outset rather than have them for some temporary use
23 that would not be very beneficial to the neighbors. Personally I would ...
24 don't like looking at a dirt lot followed by a frontage road and then a major
25 highway, but that would be preferable to chain link fence with plastic strips
26 threaded into it and construction equipment visible over the top. And there
27 are a number of them in my neighborhood, so is that one of the things
28 that's on your mind? Mr. Beard.
29
30 Beard: I think that's a pretty good idea. I would also not exclude communication
31 structures though, whether it be for the police or whether it's
32 communications for cell phones. It's the very last items, utility land uses.
33
34 Crane: I'm sorry you said you would also seek to exclude those?
35
36 Beard: I would include it with your permanent buildings.
37
38 Crane: So they may put up communication towers?
39
40 Beard: Yes, I would want.
41
42 Shipley: Mr. Chairman there is a cellular tower about 100 yards on the other side of
43 Porter Road that's about ... it's a huge one. So, that's the cell site there.
44 You don't want to have another one in 100 yards.
45
46 Beard: Well I was thinking maybe that the police or city type communications. I

- 1 didn't want to go through the same process of trying to find a location for a
2 tower that we have done before you know.
3
- 4 Shipley: But the tower requires a special use permit no matter where it is, so you
5 can't really ... you can't ... there's no sense in changing it because if
6 they're going to come in with that location they're going to have to request
7 a special use permit to get the tower there anyhow.
8
- 9 Beard: That's true but are we eliminating it if we only put down permanent
10 structure.
11
- 12 Shipley: They can always come back and ask for a variance.
13
- 14 Montana: Mr. Chair that would be not a variance, that would have to be a rezoning
15 or an amendment to this zoning condition. Also I want to bring to your
16 attention that limiting it to permanent buildings would not allow playfields
17 or recreational fields, developed fields.
18
- 19 Crane: Perhaps we can simply word it the opposite way and specifically eliminate
20 parking for commercial and municipal vehicles, but I suspect that that
21 would let in a number of things that Mr. Schluter would ... and his
22 neighbors would probably not like. But would that be easier to handle Ms.
23 Montana?
24
- 25 Montana: Well if that were the land use that this Commission objects to specifically
26 you could eliminate that ... the bus terminal and commercial parking
27 facilities and outdoor storage. You could.
28
- 29 Crane: Commercial parking facilities being, what like a parking lot that you
30 (inaudible).
31
- 32 Montana: Yes, parking lot, or the bus terminal if you see on the land uses.
33
- 34 Shipley: But Mr. Chairman.
35
- 36 Crane: Yes. Mr. Shipley.
37
- 38 Shipley: The bus terminal is not permitted.
39
- 40 Montana: It is included in the list of uses that they would allow in the C-3. Under
41 transportation, wholesale trade, warehousing, and bulk storage land uses,
42 bus terminal and parking facilities. And then on the back storage outside
43 of materials, equipment and supplies. So you may want to recommend to
44 the Council that they eliminate those uses.
45
- 46 Shipley: Question.

1
2 Crane: Yes, Mr. Shipley.
3
4 Shipley: Ms. Montana I don't have the list that you're holding up.
5
6 Montana: It's ...
7
8 Shipley: On the back.
9
10 Crane: In the back, page one on the back.
11
12 Montana: It's in the applicant attachment four.
13
14 Crane: Mr. Schluter do you have that document there? You probably don't. Is
15 there some way we can get him one because I ... feeling it's not going to
16 work to explicitly eliminate one allowed use.
17
18 Montana: The list Commission, on the first page as of ... land uses allowed at the
19 bottom there's transportation, wholesale trade, warehousing and bulk
20 storage land uses, which includes the bus terminal and parking facilities,
21 commercial. And then land uses allowed with conditions on the back page
22 is the transportation, wholesale trade, warehousing, and bulk storage land
23 uses which is the outdoor storage. So those are ...
24
25 Crane: I'm sorry, I'm looking for the second item you just mentioned.
26
27 Montana: On page two of that C-3 list.
28
29 Crane: Yeah.
30
31 Montana: The second list.
32
33 Crane: Oh yes, the heading, right storage outside of buildings of materials,
34 equipment.
35
36 Montana: Yeah.
37
38 Crane: And not for sale. Manufacturing and related land uses, construction yard
39 or buildings, temporary, below that. I could see all those things being
40 potentially ugly and I am interested in seeing how we could meet Mr.
41 Schluter's objections which I understand and I think perhaps some of my
42 fellow Commissioners do. Without micromanaging the allowed land uses
43 for C-3. There may not be a way out of this other than to micromanage.
44 What (inaudible) Ms. Montana, while he's looking at that.
45
46 Montana: Well you could recommend to Council that they strike those three

1 categories.
2
3 Crane: So it would be transportation, wholesale trade, warehousing and bulk
4 storage on page one.
5
6 Montana: Yeah.
7
8 Crane: And similar adding on page two.
9
10 Montana: And the manufacturing and related ...
11
12 Crane: Related land uses.
13
14 Montana: Land uses. Correct.
15
16 Crane: Okay.
17
18 Beard: There's other things I would like to strike out.
19
20 Crane: Okay. Let's see what Mr. Schluter's (inaudible). Mr. Ochoa can you
21 speak for Mr. Schluter. Maybe I should bring him up date. Okay. So far
22 Mr. Schluter we got to the point, and I'm also addressing Mr. Byers, of
23 considering taking out the transportation, wholesale trade, warehousing
24 and bulk storage land uses which appears two places on page one and
25 page two. And on page two manufacturing and related land uses. If those
26 came out would you be in favor of the application? You better come up
27 and talk to us.
28
29 Beard: I would actually suggest the retail land uses also, that very first one on that
30 second page.
31
32 Crane: The flea market. All right.
33
34 Beard: That's you know, flea markets and seasonal sales type of thing.
35
36 Crane: Okay, let's say that too. So that's four items. Retail land uses, flea market
37 etc. that's on the top of page two. Now if we took out those four or
38 recommended to the Council we take out those four how would you feel?
39
40 Schluter: I would feel better.
41
42 Crane: Would you feel upset if the Commission voted in favor of the application
43 with those four removed?
44
45 Schluter: Well it's just what I would like to see and the neighbors would like to see
46 would be a nice park over there.

Draft

- 1
2 Crane: Part of it is parks are permitted.
3
4 Schluter: Yeah. There was ... there had been talk for quite some time about a
5 satellite police station but I believe it was going to be where the recreation
6 center has been as part of the firehouse building which I think is a great
7 idea. And expanding on the senior citizen's center or multigenerational
8 center is also a good idea. If they were to use this land that they're talking
9 about and put in maybe a baseball field and basketball courts for the kids
10 of the neighborhood of which there are quite a few, that would kind of
11 expand the whole idea of the swimming pool, the recreation center and all.
12 And what I didn't say before is that I just today learned that down on the
13 end of Reynolds close to Dunn there's another field down there that looks
14 like it has been prepared, it's not completed, for the very purpose that
15 they're talking about using for storage across from my house. And so why
16 two?
17
18 Crane: Do you know anything about that Ms. Montana? Is that city property?
19
20 Montana: No, I'm not aware of that property.
21
22 Crane: All right, thank you Mr. Schluter.
23
24 Schluter: Okay. Thank you.
25
26 Crane: Mr. Byers you have any comment? Don't have to say anything if you don't
27 want to. You better come up.
28
29 Beard: We're taking out the transportation on the first page. On the second page
30 we're taking out the first three.
31
32 Crane: Retail land uses, transportation, and manufacturing related uses. And I
33 think ... yeah.
34
35 Byers: I, like Mr. Schluter would feel a lot better about it and his comments about
36 a park would be much more agreeable to me and him and probable all the
37 neighbors in that area. This would help.
38
39 Crane: Thank you sir.
40
41 Byers: Thank you.
42
43 Crane: Any other members of the public wish to comment? Okay, closed to
44 discussion. Mr. Shipley.
45
46 Shipley: Ms. Montana. Access to this would be from the street, not from the

- 1 Bataan Memorial, is that correct?
2
- 3 Montana: That is correct.
4
- 5 Shipley: Okay. Thank you.
6
- 7 Crane: All right. Let me see, we had ... did you ... no we don't have a motion yet.
8 Mr. Shipley would you like to move.
9
- 10 Shipley: I make a motion to approve Case Z2870 with the following condition, or
11 conditions, it's one condition but it'll be four items, that transportation,
12 wholesale trade, warehousing and bulk storage land uses not be included
13 nor retail land uses on page two of that list, nor transportation, wholesale
14 trade, warehousing and bulk storage land uses, and the last one would be
15 manufacturing and related land uses would not be a part of this
16 recommendation.
17
- 18 Crane: Thank you is there a second for that motion?
19
- 20 Beard: I second it.
21
- 22 Crane: Any discussion? In that case we'll start with roll call on ... with Mr. Beard.
23
- 24 Beard: I vote aye based on discussions and site visit.
25
- 26 Crane: Mr. Alvarado.
27
- 28 Alvarado: Vote aye based on discussion.
29
- 30 Crane: Mr. Stowe.
31
- 32 Stowe: I vote aye based on discussions.
33
- 34 Crane: Mr. Shipley.
35
- 36 Shipley: I vote aye based on discussion and site visit.
37
- 38 Crane: And the Chair votes aye based on discussions and findings. That passes
39 five/zero. Thank you gentlemen.
40
- 41 **VII. OTHER BUSINESS**
42
- 43 Crane: And is there any other business?
44
- 45 Montana: Yes Mr. Chair. There is a staff announcement and I'm happy to present
46 that to you after you ask if there's any public participation.

1
2 **VIII. PUBLIC PARTICIPATION**
3

4 Crane: Okay. Any public participation, not necessarily related to the two items we
5 discussed? Okay, nobody signifies there is.
6

7 **IX. STAFF ANNOUNCEMENTS**

8 1. Vistas Blueprint Kickoff
9

10 Crane: And so we will go to staff announcements.
11

12 Montana: Thank you Mr. Chair, Commissioners. I put on the dais in front of your
13 chair a little handout about the community ... the Vistas Blueprint. I don't
14 have a slide show about this, but the packet does show a little map in the
15 east, way East Mesa. There's about 6,000 acres which is about four mile
16 by four mile area of desert land, raw land that is owned by ... a little tiny
17 piece is owned by the city, some land owned by the Bureau of Land
18 Management, most of it's owned by the State Lands Office. The State
19 Lands Office has asked the city to conduct a blueprint which is an area
20 planning effort for what this ... what we're calling the Vistas. So this is the
21 Vistas Blueprint. We had a kick off meeting last Thursday, the 20th at the
22 East Mesa Dona Ana College campus and there are about 50 people who
23 attended this, Commissioner Beard being one of them, to begin imagining
24 what land uses, what densities, what roads, transportation systems, all the
25 planning activities could take place in this 6,000 acres of land. This effort
26 has a website that you can review, lascruces.org/vistas and then go to
27 blueprint, and that page is in your packet here. And then you can take a
28 little survey. What is your vision? What kinds of things would you like to
29 see take place in this 6,000 acres? The last part of the handout is sort of
30 a summary of some of the groups that partook of that planning session
31 last week and some of things they looked at. A lot of them wanted mixed
32 use development, very sustainable development, green development.
33 They're conscious of water conservation. They're conscious of being able
34 to have communities where you can walk around from the residential to
35 commercial and back, recreation activities, and that sort of thing. So that
36 was the first step of this Vistas planning effort, joint effort with the State
37 Lands Office. The next meeting will be a design meeting, getting down to
38 a little more detail than the visioning and that would be some time, a
39 meeting sometime in May. And we certainly would enjoy your
40 participation in this effort. And I'm happy to answer any question,
41 although Commissioner Beard was at the meeting and he could probably
42 answer your questions as well.
43

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

1
2 Shipley: Oh, excuse me.
3
4 Crane: Okay. No questions for either our authorities here? You have a statement
5 to make Mr. Beard. No is a statement.
6
7 Beard: To tell you the truth when we really dug into what this could be applied to it
8 became very general, very wide. You can do almost anything and so you
9 sort of have to figure out what you're simplified goal is and I don't know
10 that we did that. I think for the most part we came up with things like this
11 was going to be another small city, have all the resources and the
12 capabilities of a small city and try to keep away any of the bad things that
13 you might have in an old city.
14
15 Crane: Thank you. Thank you Ms. Montana.

16
17 **X. ADJOURNMENT (7:12)**

18
19 Crane: If no other business then we stand adjourned at 12 after seven. Thank
20 you.
21
22
23
24
25
26
27

28 Chairperson
29
30