



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 8Ordinance/Resolution# 2720For Meeting of July 7, 2014  
(Ordinance First Reading Date)For Meeting of July 21, 2014  
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 2.2 ± ACRES OF LAND LOCATED AT 2295 BATAAN MEMORIAL WEST. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS ON BEHALF OF PAUL WADDELL & RIYAD NEHLAWI, PROPERTY OWNERS (Z2872).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 5</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

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

The proposed zone change is for a property located on the southwest corner of Venus Street and Bataan Memorial West, directly south of the Vista Real Mobile Home Community. The subject property currently consists of a vacant single-family home and a commercial billboard. The existing C-2 (Commercial Medium Intensity) zoning designation has a maximum lot size requirement of 1 acre making the subject property non-conforming. The subject property is required to come into compliance with the 2001 Zoning Code before any redevelopment of the property can occur. The proposed zone change to C-3 (Commercial High Intensity) will bring the property into compliance with the 2001 Zoning Code and would permit the future redevelopment of the property. There is no specific use currently proposed for the subject property at this time. The subject property is located along Bataan Memorial West, a minor arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity uses and zoning are encouraged.

On May 27, 2014 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 6-0-0, (one Commissioner position vacant). The proposed zone change was approved on the consent agenda at the meeting and no discussion

took place. There was no public input received by staff or during the Planning and Zoning Commission hearing for the proposed zone change.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2872.
5. Attachment "B", Minutes from the May 27, 2014 Planning & Zoning Commission Meeting.
6. Attachment "C", Vicinity Map.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 2.2 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will

remain on the subject property and the property will remain non-conforming unless subdivided. Denial of the zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.

3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION:**

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

1. N/A

**COUNCIL BILL NO.** 15-001  
**ORDINANCE NO.** 2720

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 2.2 ± ACRES OF LAND LOCATED AT 2295 BATAAN MEMORIAL WEST. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS ON BEHALF OF PAUL WADDELL & RIYAD NEHLAWI, PROPERTY OWNERS (Z2872).**

The City Council is informed that:

**WHEREAS**, Paul Waddell & Riyad Nehlawi, the property owners, have submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for the property located at 2295 Bataan Memorial West; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on May 27, 2014, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner position vacant).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity).

**(II)**

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

**(III)**

**THAT** the zoning of said property be shown accordingly on the City Zoning Atlas.

**(IV)**

**THAT** City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

**DONE AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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

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

APPROVED AS TO FORM:

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

VOTE:

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

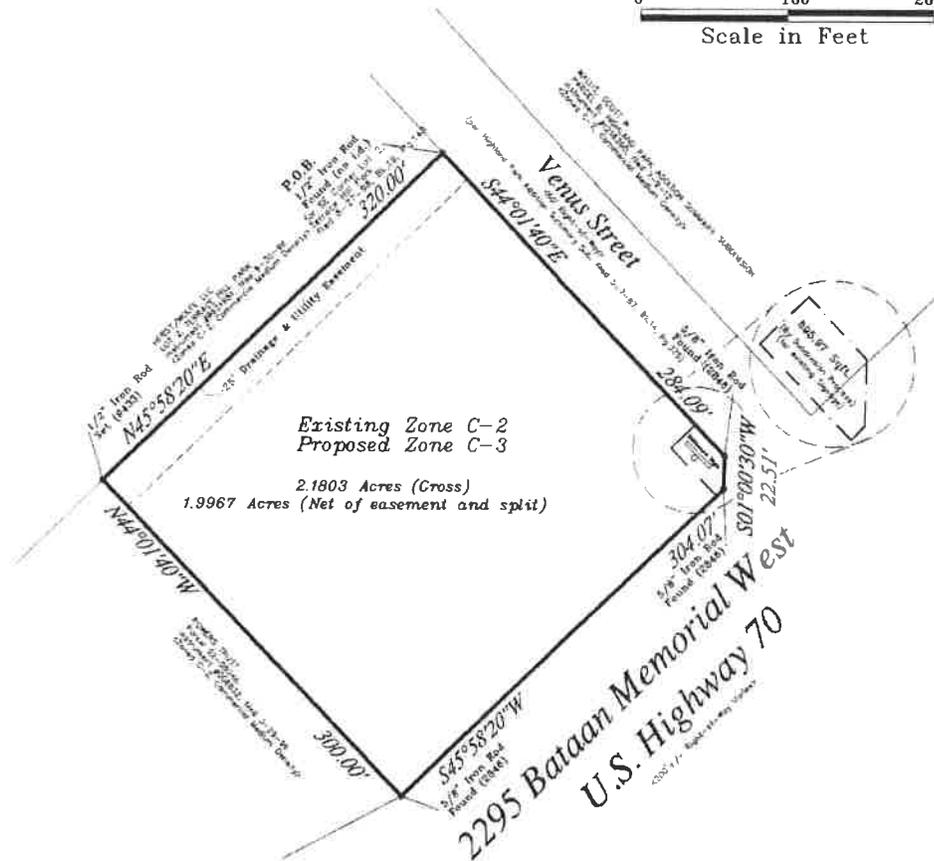
# PROPOSED RE-ZONING MAP FOR 2295 BATAAN MEMORIAL WEST

A 2.2009 ACRE TRACT OF LAND  
LOCATED IN SECTION 32, T.22S, R.2E, OF THE U.S.R.S. SURVEYS  
WITHIN THE CITY OF LAS CRUCES  
DONA ANA COUNTY, NEW MEXICO.  
MARCH 28, 2014

EXHIBIT A



1" = 100'  
0 100 200  
Scale in Feet



Existing Zone C-2  
Proposed Zone C-3  
  
2.1803 Acres (Gross)  
1.9967 Acres (Net of easement and split)

**C-3 COMMERCIAL HIGH INTENSITY  
PURPOSE**

This proposed "Commercial High Intensity" development will be located on a Minor Arterial at 2295 BATAAN MEMORIAL W, which is the Westbound Frontage road for Hwy. 70. Venus Street, (a Collector) is fronting the East Boundary of the Property. The property is surrounded by C-2 zoned properties and large areas of C-3 zoning exists a block to the West from the subject property. This property lies within the Hwy. 70 Corridor which commonly includes High Intensity Commercial land uses.

**DEVELOPMENT STANDARDS**

Minimum lot area	5,000 square feet
Minimum lot width	60 feet
Minimum lot depth	70 feet
Minimum front setback	25 feet
Minimum side setback	7 feet
Minimum rear setback	15 feet
Maximum building height	50 feet

INSTRUMENT OF RECORD  
QUITCLAIM DEED FILED  
6-7-12, Instrument #1214055  
OF THE DONA ANA COUNTY RECORDS

**Name of development:** 2295 BATAAN MEMORIAL WEST Re-Zone

**Developer:** WADDELL, PAUL & RIYAD NEHLAWI  
246 MORGAN RANCH RD  
GLEN DORA CA 91741

**Engineer:** Borderland Engineers & Surveyors LLC.  
2540 N. Telshor Blvd, Ste. B  
Las Cruces, New Mexico 88011  
575-522-1443

**Surveyor:** Borderland Engineers & Surveyors LLC.  
2540 N. Telshor Blvd, Ste. B  
Las Cruces, New Mexico 88001  
575-522-1443

**Proposed Land Use:**  
(Existing) - Commercial Medium Intensity  
(Proposed) - Commercial High Intensity

**Proposed Zoning:**  
(Existing) - Zoning C-2  
(Proposed) - Zoning C-3

**Proposed Utility Services:**  
Water - City of Las Cruces  
Sewer - City of Las Cruces  
Natural Gas - City of Las Cruces  
Electric Service: El Paso Electric Co.  
Telephone: Centurylink  
Cable TV: Comcast

**Notes:**  
1.) An N.M.D.O.T. Access Point & Access Permit must be obtained for Bataan Memorial use.

PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0634 E, EFFECTIVE SEPTEMBER 27, 1991.

"THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS OF LAND. IT IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT."

**SURVEYOR'S CERTIFICATE**

THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.



BORDERLAND

ENGINEERS AND SURVEYORS LLC

2540 N. TELSHOR BLVD, STE B  
LAS CRUCES, NEW MEXICO 88011  
Phone: (876) 522-1443  
Fax: (876) 522-9956

3/20/14  
DATE OF SURVEY

TED G. SCANLON - PS NO. 9433  
2540 N. Telshor Blvd, Ste. B

## Findings

1. The subject parcel currently encompasses a total of 2.2 ± acres, is zoned C-2 (Commercial Medium Intensity) and currently consists of a vacant dwelling and a billboard.
2. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-32D)
3. The subject property is located along a Minor Arterial roadway where high intensity commercial uses and zoning such as the proposed C-3 zoning designation is encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



# City of Las Cruces

PEOPLE HELPING PEOPLE

## Planning & Zoning Commission Staff Report

Meeting Date: May 27, 2014  
Drafted by: Adam Ochoa, Planner *AO*

<b>CASE #</b>	Z2872	<b>PROJECT NAME:</b>	2295 Bataan Memorial West (Zone Change)
<b>APPLICANT/ REPRESENTATIVE:</b>	Borderland Engineers & Surveyors, LLC	<b>PROPERTY OWNERS:</b>	Paul Waddell & Riyad Nehlawi
<b>LOCATION:</b>	Located on the southwest corner of Venus Street and Bataan Memorial West	<b>COUNCIL DISTRICT:</b>	District 5 (Councillor Sorg)
<b>SIZE:</b>	2.2 ± acres	<b>EXISTING ZONING/ OVERLAY:</b>	C-2 (Commercial Medium Intensity)
<b>REQUEST/ APPLICATION TYPE:</b>	Zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)		
<b>EXISTING USE:</b>	Vacant single-family home and a billboard		
<b>PROPOSED USE:</b>	Commercial high intensity uses and a billboard		
<b>STAFF RECOMMENDATION:</b>	Approval without conditions based on findings		

**TABLE 1: CASE CHRONOLOGY**

Date	Action
March 31, 2014	Application submitted to Development Services
April 1, 2014	Case sent out for review to all reviewing departments
May 7, 2014	Final comments returned by all reviewing departments
May 8, 2014	Staff reviews and recommends approval of the zone change
May 11, 2014	Newspaper advertisement
May 8, 2014	Public notice letter mailed to neighboring property owners
May 12, 2014	Sign posted on property
May 27, 2014	Planning and Zoning Commission public hearing

**SECTION 1: SYNOPSIS OF PROPOSAL**

The subject property is currently zoned C-2 (Commercial Medium Intensity) and encompasses 2.2 ± acres. The existing C-2 zoning designation has a maximum lot size requirement of 1 acre. The proposed zone change to C-3 (Commercial High Intensity) will bring the property into compliance with the 2001 Zoning Code with the maximum lot size requirement. There is no specific use currently proposed for the subject property at this time.

**TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS**

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	1	Unknown	N/A
Max Density (DU/ac.)	0.45 DU/acre	Unknown	40 DU/ac.
Lot Area	2.2 ± acres	Unchanged	21,780 sq. ft. (0.50 acres) minimum
Lot Width	320 ± feet	Unchanged	60 feet minimum
Lot Depth	300 ± feet	Unchanged	70 feet minimum
Structure Height	12 ± feet	Unknown	60 feet maximum
Setbacks			
Front	57 ± feet	Unknown	15 feet minimum
Secondary Front	37 ± feet	Unknown	15 feet minimum
Side	126 ± feet	Unknown	5 feet minimum
Rear	157 ± feet	Unknown	15 feet minimum
Accessory Structure	1,200 ± square feet	N/A	N/A
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	N/A	N/A	15%

**TABLE 3: SPECIAL CHARACTERISTICS**

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	
Medians/ Parkways Landscaping	No	
Other	N/A	

**TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION**

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant dwelling and billboard	N/A	C-2 (Commercial Medium Intensity)
North	Mobile home park	N/A	C-2 (Commercial Medium Intensity)
South	US Highway 70	N/A	N/A
East	Vacant/Undeveloped	N/A	C-2 (Commercial Medium Intensity)
West	Vacant/Undeveloped	N/A	C-2 (Commercial Medium Intensity)

**TABLE 5: PARCEL HISTORY**

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

**SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS**

For specific comments and/or conditions, see attached.

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

**SECTION 3: STAFF ANALYSIS AND CONCLUSIONS****Decision Criteria**

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of this Code, Section 38-2 and 36-1 of the Sign Code, when appropriate, and determine whether the request is consistent or inconsistent with stated criteria. The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

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

As mentioned above, Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended, identifies the Purposes and Intent of the Zoning regulations and should also be utilized as part of the decision criteria. The relevant purpose and intent statements to the proposed rezoning are:

- A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.

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

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

#### Applicable Comprehensive Plan Elements & Policies

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

Chapter 7 Sustainable Growth (Vibrant Planning Areas, Neighborhoods & Districts)

1. Goal 32, Policy 32.3

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

#### Analysis

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is for a 2.2 ± acre vacant/underdeveloped tract of land located at 2295 Bataan Memorial West on the southwest corner of Venus Street and Bataan Memorial West. The subject property is currently non-conforming from a zoning perspective and is required to come into compliance with the 2001 Zoning Code before any redevelopment can occur on the property. The proposed zone change to a C-3 zoning designation would bring the property into compliance with the 2001 Zoning Code and would permit the future redevelopment of the property.

The property is located in an area of Las Cruces largely commercially zoned and is located in close proximity to other properties zoned for high intensity commercial uses, making the proposed zone change compatible with adjacent and nearby properties in terms of zoning. The proposed zone change will also assist in the redevelopment of the subject property that has been vacant for several years. The subject property is also located along Bataan Memorial West, a Minor Arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity and uses and zoning are encouraged.

#### Conclusion

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the policies of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code;
- The proposed C-3 Zoning District is harmonious with and not out of character with the uses and zoning districts of the surrounding area; and
- The proposed zone change will assist in the redevelopment of the long-time vacant property.

**DRC RECOMMENDATION**

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

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed zone change based on the findings listed below:

**FINDINGS FOR APPROVAL**

1. The subject parcel currently encompasses a total of 2.2 ± acres, is zoned C-2 (Commercial Medium Intensity) and currently consists of a vacant dwelling and a billboard.
2. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-32D)
3. The subject property is located along a Minor Arterial roadway where high intensity commercial uses and zoning such as the proposed C-3 zoning designation is encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

**ATTACHMENTS**

1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plan
4. Development Statement
5. Comprehensive Plan Elements and Policies
6. Reviewing Department/Agency Comments and/or Conditions

# LOJNING/VICINITY MA.

ZONING: C-2 TO C-3

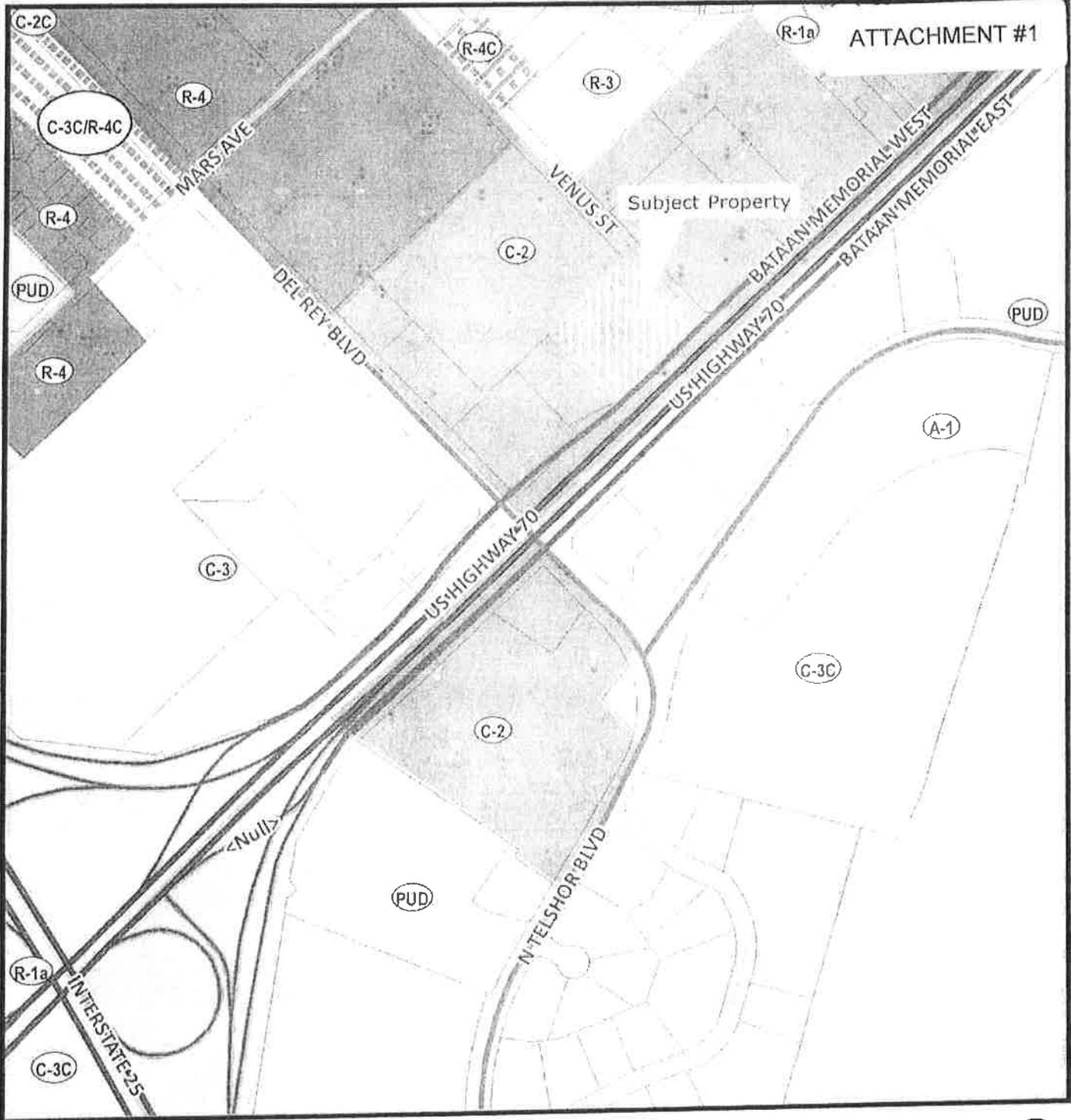
OWNER: PAUL WADDELL & RIYAD NEHLAWI

PARCEL: 02-08064

DATE: 03/31/2014

ATTACHMENT #1

Subject Property



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

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

117  
AERIAL MAP

ZONING: C-2 TO C-3  
OWNER: PAUL WADDELL & RIYAD NENLAWI

PARCEL: 02-08064  
DATE: 03/31/2014

ATTACHMENT #2



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

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

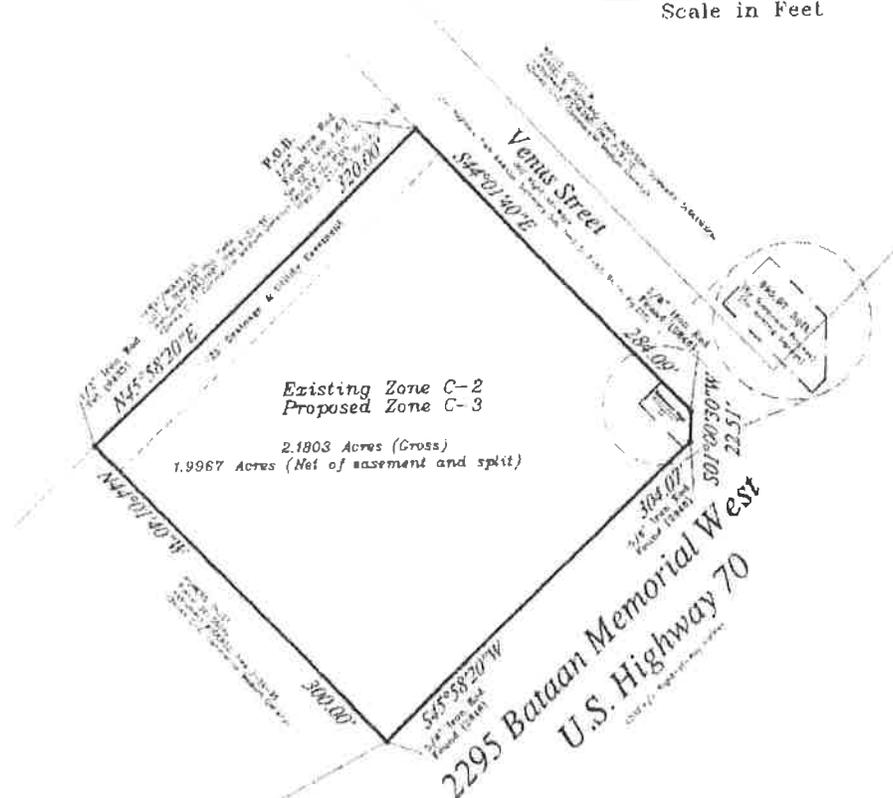
# 118 PROPOSED RE-ZONING MAP FOR 2295 BATAAN MEMORIAL WEST

A 22009 ACRE TRACT OF LAND  
LOCATED IN SECTION 31, T.28S, R.2E, OF THE U.S.R.S. SURVEYS  
WITHIN THE CITY OF LAS CRUCES  
DONA ANA COUNTY, NEW MEXICO  
MARCH 21, 2014

ATTACHMENT #3



1" = 100'  
0 100 200  
Scale in Feet



INSTRUMENT OF RECORD  
SUBJECT: 2295 BATAAN MEMORIAL WEST  
E-1-12 Subdivision 4224603  
OF THE DONA ANA COUNTY RECORDER

Name of development: 2295 BATAAN MEMORIAL WEST Re-Zone

Developer: WADDELL, PAUL & RIYAD NEHLAWI  
246 MORGAN RANCH RD  
GLENDDORA CA 91741

Engineer: Borderland Engineers & Surveyors LLC  
2540 N. Telsor Blvd, Ste. B  
Las Cruces, New Mexico 88011  
575-522-1443

Surveyor: Borderland Engineers & Surveyors LLC  
2540 N. Telsor Blvd, Ste. B  
Las Cruces, New Mexico 88011  
575-522-1443

Proposed Land Use:  
(Existing) - Commercial Medium Intensity  
(Proposed) - Commercial High Intensity

Proposed Zoning:  
(Existing) - Zoning C-2  
(Proposed) - Zoning C-3

Proposed Utility Services:  
Water - City of Las Cruces  
Sewer - City of Las Cruces  
Natural Gas - City of Las Cruces  
Electric Service: El Paso Electric Co.  
Telephone: CenturyLink  
Cable TV: Comcast

Notes:  
1.) An N.M.D.O.T Access Point & Access Permit must be obtained for Bataan Memorial use.

**C-3 COMMERCIAL HIGH INTENSITY PURPOSE**

This proposed "Commercial High Intensity" development will be located on a Minor Arterial of 2295 BATAAN MEMORIAL WEST, which is the Westbound Frontage road for Hwy. 70. Venus Street, (a Collector) is fronting the East Boundary of the Property. The Property is surrounded by C-2 zoned properties and large areas of C-3 zoning exists a block to the West from the subject property. This property lies within the Hwy. 70 Corridor which commonly includes High Intensity Commercial land uses.

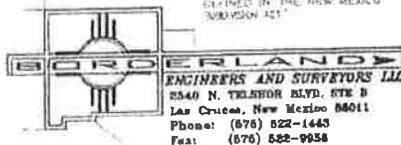
**DEVELOPMENT STANDARDS**

Minimum lot area	5,000 square feet
Minimum lot width	60 feet
Minimum lot depth	70 feet
Minimum front setback	25 feet
Minimum side setback	7 feet
Minimum rear setback	15 feet
Maximum building height	50 feet

PROPERTY IS IN AN "A" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 330130044 2 EFFECTIVE SEPTEMBER 27, 1991.

THIS IS A BOUNDARY SURVEY PLAN OF AN EXISTING TRACT OR TRACTS OF LAND. IT IS NOT A LAND DIVISION FOR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAN WAS PREPARED AND FIELD NOTES OF AN ORIGINAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS AND PRACTICES SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS. TO THE BEST OF MY KNOWLEDGE AND BELIEF.



3/20/14  
DATE OF SURVEY

TERENCE G. SCANLON - P.E. NO. 9433  
2540 N. TELSOR BLVD. STE. B

## 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: Paul Waddell + Nehlawi Riyad  
 Contact Person: Chris Scanlon  
 Contact Phone Number: 522-1443  
 Contact e-mail Address: speakle@zionet.com  
 Web site address (if applicable): \_\_\_\_\_

### Proposal Information

Name of Proposal: Waddell Subdivision/Rezone  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)  
commercial  
 Location of Subject Property 2295 Bataan Memorial West  
 (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: 2.2009  
 Detailed description of **current** use of property. Include type and number of buildings:  
Vacant Building / Billboard Sign  
 Detailed description of **intended** use of property. (Use separate sheet if necessary):  
T.B.D.  
 Zoning of Subject Property: C-2  
 Proposed Zoning (If applicable): C-3  
 Proposed number of lots 1/2 to be developed in AJAP phase (s).  
 Proposed square footage range of homes to be built from TBD to TBD

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

T.B.D.

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

T.B.D.

Anticipated traffic generation T.B.D. trips per day.

Anticipated development schedule: work will commence on or about ASAP

and will take ASAP to complete.

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

On-Lot-Ponding

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

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

Is there existing landscaping on the property? NO

Are there existing buffers on the property? NO

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

If yes, is it paved? Yes \_\_\_ No

How many spaces? N/A How many accessible? N/A

**Attachments**

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information

## **Comprehensive Plan Elements and Policies**

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

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

**Policies:**

- 32.3 Regional commercial uses shall be defined as those high intensity commercial uses which generate considerable auto-oriented traffic. Such uses conduct retail, service, and wholesale activities on a large volume basis and generally have at least one anchor tenant. These uses are intended to serve the needs of those within a four-plus mile radius. Regional commercial uses (single) and centers generally serve a population greater than 50,000 people and should be established according to the following criteria:
- a. Single uses are generally greater than 75,000 gross square feet commercial use. A regional commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
  - b. Regional commercial uses and centers shall be located at the intersection of major arterial streets and limited access highways. Location at intersections with a major arterial streets and mid-block locations shall be considered on a case-by-case basis using context criteria and assessment of impacts to the area. Multiple access points serving this use is typical and should not have any secondary egress/ingress from any roadway designated below collector status.
  - c. The City shall pursue multi-modal access standards of auto, bicycle, pedestrian, and transit for regional commercial uses and centers.
  - d. Regional commercial development shall address the following urban design criteria of compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas.
  - e. Adequate space for functional circulation shall be provided for parking and service areas.
  - f. Encourage regional commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
  - g. Regional commercial uses and centers should not locate adjacent to rural or low density residential uses.



# City of Las Cruces

PEOPLE HELPING PEOPLE

DATE: April 1, 2014  
TO: ~~Development Services~~  
FROM: Adam Ochoa, Planner  
CASE NO.: Z2872 (Review No.1)  
SUBJECT: Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 4/8/14

REVIEWER NAME: *Adam Ochoa*

REVIEWER CONTACT NO. X3204

*Proposed zone change will bring property into compliance.*

Z2872 (C-2 to C-3)

April 4, 2014

2295 Bataan Memorial West

Advanced Planning Comments (Carol McCall)

Conclusions

This is a proposal for a zoning change from C-2 to C-3. The conversion would also bring the 2.2+ acre lot into compliance with the 2001 Zoning Code which does not allow C-2 zoned lots to exceed 1 acre in size. There is currently nothing on the property and future uses have not yet been determined.

The property is surrounded by a variety of R-4, R-3, C-2 and PUD uses, so the conversion to C-3 would not be out of place. Bataan West is a major arterial, suitable for regional commercial, but Venus is a minor local roadway, and is not. As noted in Policy 32.3.b., below, "locations at intersections with a major arterial street 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 are typical and should not have any secondary egress/ingress from any roadway designated below collector status." When a development application is submitted, we will have to be mindful of this restriction.

With that, the proposal appears to be sound, and advance planning staff has no objections.

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

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

- 32.3 Regional commercial uses shall be defined as those high intensity commercial uses which generate considerable auto-oriented traffic. Such uses conduct retail, service, and wholesale activities on a large volume basis and generally have at least one anchor tenant. These uses are intended to serve the needs of those within a four-plus mile radius. Regional commercial uses (single) and centers generally serve a population greater than 50,000 people and should be established according to the following criteria:
- a. Single uses are generally greater than 75,000 gross square feet commercial use. A regional commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
  - b. Regional commercial uses and centers shall be located at the intersection of major arterial streets and limited access highways. Location at intersections with a major arterial streets and mid-block locations shall be considered on a case-by-case basis using context criteria and assessment of impacts to the area. Multiple access points serving this use is typical and should not have any secondary egress/ingress from any roadway designated below collector status.
  - c. The City shall pursue multi-modal access standards of auto, bicycle, pedestrian, and transit for regional commercial uses and centers.
  - d. Regional commercial development shall address the following urban design criteria of compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas.
  - e. Adequate space for functional circulation shall be provided for parking and service areas.
  - f. Encourage regional commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
  - g. Regional commercial uses and centers should not locate adjacent to rural or low density residential uses.



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

**DATE:** April 1, 2014  
**TO:** MPO  
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2872 (Review No. 1)  
**SUBJECT:** Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:  YES  NO

DATE: 04-02-14 REVIEWER NAME: Orlando V. Fierro, Mesilla Valley MPO 

REVIEW CONTACT NO.: (575) 528-3066

- 1) Bataan Memorial West is identified on the Mesilla Valley MPO Functional Classification and Thoroughfares Plan as an Existing Minor Arterial.
- 2) Any change in access to Bataan Memorial West shall require an access permit from NMDOT.
- 3) No further comments on the Zone Change at this time.



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

**DATE:** April 1, 2014

**TO:** Engineering

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2872 (Review No.1)

**SUBJECT:** Zone Change C-2 to C-3

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 4/7/14

REVIEWER NAME: Rocio Dominguez

REVIEWER CONTACT NO. 528-3071



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

DATE: April 1, 2014

TO: Traffic

FROM: Adam Ochoa, Planner

CASE NO.: Z2872 (Review No.1)

SUBJECT: Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS: YES  NO

APPROVED WITH CONDITIONS:

DATE: 4/8/14

REVIEWER NAME: K. Espinoza  
 REVIEWER CONTACT NO. 2701

- ① Quitclaim Deed - could not read
- ② Existing driveway is on Bataan Mem. Refer to NMDOT.
- ③ Will there be improvement done to Bataan Memorial and Venado?
- ④ TIA may be Required
- ⑤ Where will 2<sup>nd</sup> access be located if required by Fire?

RECEIVED

APR 01 2014

TRAFFIC



# City of Las Cruces

PEOPLE HELPING PEOPLE

RECEIVED

MAY 02 2014

TRAFFIC

**DATE:** April 30, 2014

**TO:** Traffic

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2872 (Review No.2)

**SUBJECT:** Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than **[May 7, 2014]**.

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

APPROVED AS IS:

 YES

 NO

APPROVED WITH CONDITIONS:

DATE: 5/5/14
 REVIEWER NAME: K. Espinoza  
 REVIEWER CONTACT NO. 2781



# City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 1, 2014

TO: Parks & Rec

FROM: Adam Ochoa, Planner

CASE NO.: Z2872 (Review No.1)

SUBJECT: Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:

YES

NO.

APPROVED WITH CONDITIONS:

DATE: 4/4/14

REVIEWER NAME: *[Signature]*  
REVIEWER CONTACT NO. 2530



# City of Las Cruces®

PEOPLE HELPING PEOPLE

**DATE:** April 1, 2014  
**TO:** [Redacted]  
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2872 (Review No.1)  
**SUBJECT:** Zone Change C-2 to C-3

RECEIVED  
APR 01 2014

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 4/7/14

REVIEWER NAME: [Signature]  
REVIEWER CONTACT NO. 4450



# City of Las Cruces®

PEOPLE HELPING PEOPLE

**DATE:** April 1, 2014  
**TO:** [REDACTED]  
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2872 (Review No.1)  
**SUBJECT:** Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: \_\_\_\_\_ REVIEWER NAME: Maria Hinojosa  
REVIEWER CONTACT NO. 549-6544

Between Memorial West is not a principal arterial.  
The main line yes. what is the existing business  
other is the existing access?



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

**DATE:** April 1, 2014

**TO:** Utilities

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2872 (Review No.1)

**SUBJECT:** Zone Change C-2 to C-3

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

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

Please review and return to the Community Development Department no later than [April 8, 2014].

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

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE:

04/08/14

REVIEWER NAME:

John Reid

REVIEWER CONTACT NO.

528-3635

No water rights issues - F.D. 4/2/2014



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

**DATE:** April 30, 2014  
**TO:**   
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2872 (Review No.2)  
**SUBJECT:** Zone Change C-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [May 7, 2014].

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

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS: *Any Access off of Buttram Memorial west will be required from the NMDOT District off*  
DATE: 5/16/14  
REVIEWER NAME: Marta King  
REVIEWER CONTACT NO. \_\_\_\_\_

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
May 27, 2014 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

Godfrey Crane, Chairman  
William Stowe, Vice-Chair  
Charles Beard, Secretary  
Joanne Ferrary, Member  
Ruben Alvarado, Member  
Kirk Clifton, Member

**BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Adam Ochoa, Planner, CLC  
Susana Montana, Planner, CLC  
Ezekiel Guza, Associate Planner  
Robert Cabello, CLC Legal Staff  
Becky Baum, Recording Secretary, RC Creations, LLC

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

Crane: Good evening ladies and gentlemen. The 27th of May 2014 meeting of the Planning and Zoning Commission is called to order. Let me start as we usually do by introducing the Commissioners present; on my far right is Commissioner Clifton who represents District 6; on his left is Commissioner Stowe, District 1; then Commissioner Ferrary, District 5; Commissioner Alvarado, District 3; Commissioner Beard, District 2; and I'm Godfrey Crane, the Chairman, also represent District 4. We do not at present have a mayor's appointee.

**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: We also ask if any Commissioner or any member of the city staff has any conflict of interest with any item that's on the agenda tonight. No conflict of interest is indicated, so we'll continue.

**III. APPROVAL OF MINUTES**

1. April 29, 2014 - Re-scheduled Regular Meeting

1  
2 Crane: Approval of the minutes of the preceding meeting, April 29th,  
3 Commissioners, anybody have any comments? Commissioner Beard.  
4  
5 Beard: Page three, line 21, I'd put in two commas, "we go back and forth about  
6 question but at no point, I think, do I really let ..."  
7  
8 Crane: Okay.  
9  
10 Beard: One line down, 23 "stay" I think it would be "say".  
11  
12 Crane: Oh yes. Yes. Did you get that Becky?  
13  
14 Baum: Yes.  
15  
16 Crane: All right. Anything else?  
17  
18 Beard: Page 39.  
19  
20 Crane: Page 39.  
21  
22 Beard: Line 45. I would either add a comma or an 'or' "are you going to move or  
23 are you going to make a comment".  
24  
25 Crane: I agree.  
26  
27 Beard: And on page 45, line 13 "how many children are being taken care of now  
28 at that particular home". I would add the word 'of'.  
29  
30 Crane: Yes, sir. Anything else? Anyone else have any comments?  
31 Commissioner Ferrary.  
32  
33 Ferrary: On line ... page 21, line 15, "homes between them" I think is what I had  
34 said. And then on line ...  
35  
36 Crane: I'm sorry would you repeat that.  
37  
38 Ferrary: Sure.  
39  
40 Crane: Page 21, line 16.  
41  
42 Ferrary: On page 21, line 15, the very end of the sentence "between them", not  
43 "the". And line 20, "in question and are one and a half acres". And on  
44 page 64, line 29, instead of "go to there", it should've been "go there too" T  
45 O O. That's it. Thank you.  
46

1 Crane: That's it. Anybody else? I have a few, page 3, line 14, middle of what I  
 2 say "Mr. Ochoa do you have any clue about what that was about". The  
 3 words "I can't help, I'm sorry" I think were Mr. Ochoa's. Okay. All right.  
 4 Page 17, line 34, the apostrophe in "meetings" should be before the S.  
 5 Page 21, line 36, "Mr. Clifton your light is on" Y O U R.

6  
 7 Beard: Twenty-six, what now?

8  
 9 Crane: Twenty-one, line 36. And the same on page 47, line 33. And page 47,  
 10 line 18, "because there's not going to be a second chance". And then  
 11 three on page 65, "I am sympathetic with the people whose life is being  
 12 affected", that's line one, I'm sorry. Line one page 65. Line five, page 65  
 13 "evidently". And line 13, "and McDonald's and what have you. On  
 14 balance". Okay. Anybody else got any comments? In that case I'll  
 15 entertain a motion that the minutes as amended be accepted.

16  
 17 Stowe: So moved.

18  
 19 Beard: Second.

20  
 21 Crane: Motion by Commissioner Stowe and seconded by Commissioner Beard.  
 22 All in favor, aye.

23  
 24 ALL: Aye.

25  
 26 Crane: Any abstentions? Any objections? Thank you. Passes six/zero.

27  
 28 **IV. CONSENT AGENDA**

29  
 30 1. **Case S-13-042:** Application of Moy Surveying Inc. on behalf of Louis A. and  
 31 Vivienne Williams Family Trust for a Replat known as Bowmans Addition to  
 32 Mesilla Park, Replat No. 2. The 0.535-acre tract would be divided into two  
 33 lots: A 0.318-acre lot A-1 and a 0.217-acre lot A-2. The property is located at  
 34 3207 Bowman Street and is bordered by Bowman Street on the west and Bell  
 35 Avenue on the south. The property is zoned R-1a (Single-family medium  
 36 density). Parcel ID# 02-0774. Council District 2 (Smith).

37  
 38 2. **Case Z2872:** Application of Borderland Engineers and Surveyors, LLC on  
 39 behalf of Paul Waddell and Riyard Nehlawi, property owners, to rezone a 2.2  
 40 +/- acre lot from C-2 (Commercial Medium Intensity) to c-3 (Commercial High  
 41 Intensity), located on the southwest corner of Venus Street and Bataan  
 42 Memorial West; Parcel ID# 02-08064. Proposed Use: Commercial high  
 43 intensity uses; Council District 5 (Sorg).

44  
 45 Crane: The next item is the consent agenda. Let me explain how this works for  
 46 those for whom it may be new; there are two cases S-13-042 and Z2872.

1 These were regarded by the Community Planning Department as probably  
 2 noncontroversial and therefore things that of which there will be no  
 3 discussion by the Commissioners or the public, but it doesn't have to be  
 4 so. So the rule is if any Commissioner, anybody in Community  
 5 Development, or any member of the public wishes either one of those or  
 6 both of those things to come up for discussion and a presentation under  
 7 new business, this is the time to say. No one is so indicating, so the two  
 8 items will be voted on as a block without discussion. I'll entertain a motion  
 9 the consent agenda be approved.

10  
 11 Clifton: So moved.

12  
 13 Crane: Commissioner Clifton moves. Do we have a second?

14  
 15 Beard: Second.

16  
 17 Crane: Seconded by Commissioner Beard. All in favor, aye.

18  
 19 ALL: Aye.

20  
 21 Crane: Opposed, nay. Passes six/nothing.

22  
 23 **V. OLD BUSINESS - NONE**

24  
 25 Crane: Any old business Mr. Ochoa? It says here none.

26  
 27 Ochoa: No sir, none tonight.

28  
 29 Crane: Okay.

30  
 31 **VI. NEW BUSINESS**

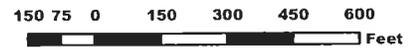
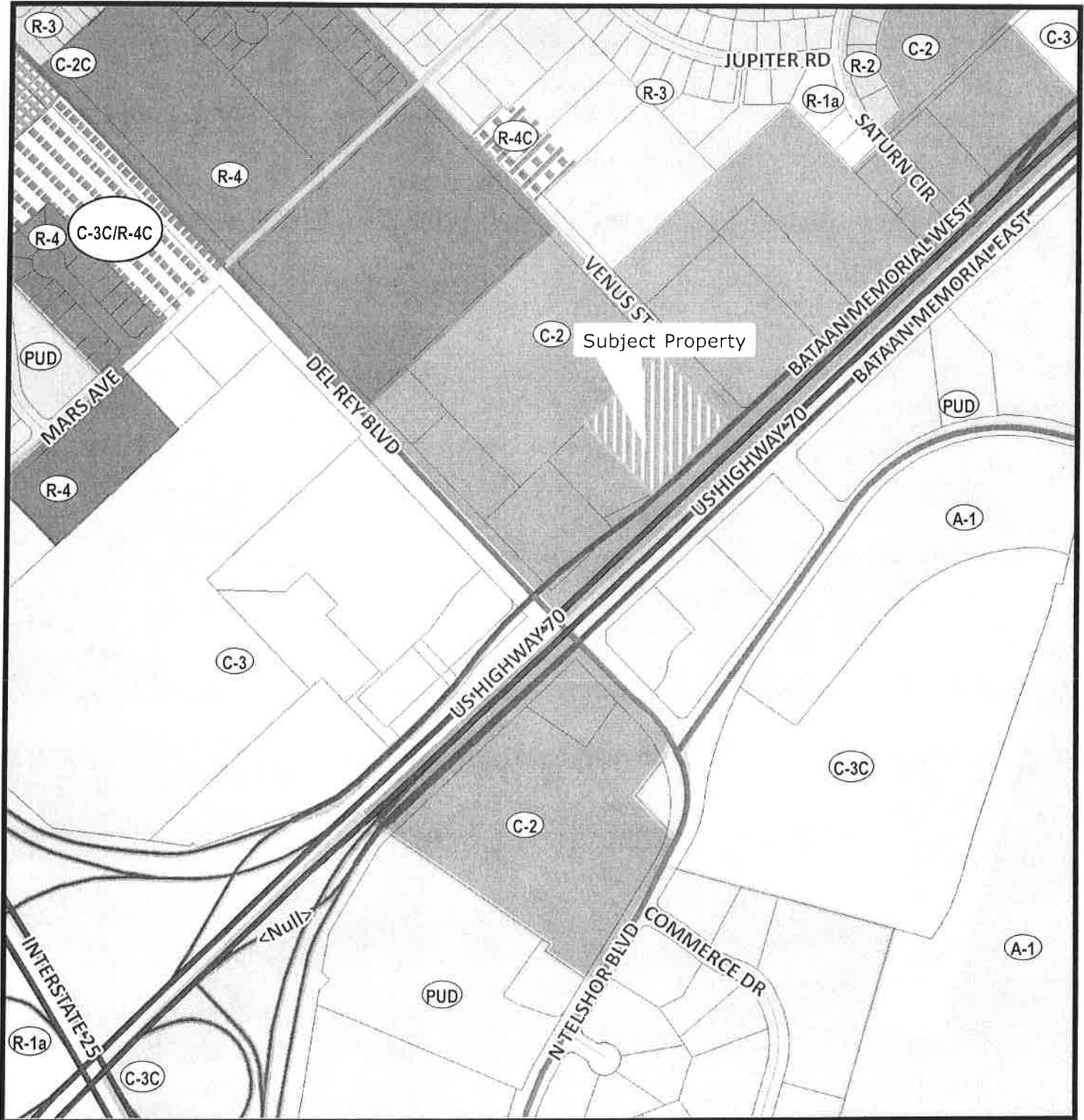
- 32  
 33 1. **Case SUP-14-04:** Request by Johnny's Septic Tank Company for a Special  
 34 Use Permit to establish a waste transfer station at 1920 Copper Loop  
 35 (Parcels 02-42227 and 02-26294) in an M1/M2 industrial district. The septic  
 36 waste material is transferred through a hose to a tanker truck that, once full,  
 37 delivers the material to a licensed liquid waste disposal site. No processing  
 38 or long-term storage occurs at the site. The applicant also seeks approval of  
 39 a variance to allow the waste transfer station property to be located within  
 40 300-feet of the nearest residential zoning district. District 4 (Small).

41  
 42 Crane: So to the one item of new business. Let me explain how we handle this  
 43 for those who may not be familiar; first a member of the Planning and ...  
 44 member of the Community Planning Department makes a presentation,  
 45 Commissioners may have some questions after. Then the person who  
 46 has asked for the, in this case request for a special use permit, or the

ZONING: C-2 TO C-3  
OWNER: PAUL WADDELL & NEHLAWI RIYAD

# Vicinity Map

PARCEL: 02-08064  
DATE: 03/31/2014



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