

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9

Ordinance/Resolution# 2723

For Meeting of August 4, 2014
(Ordinance First Reading Date)

For Meeting of August 18, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3C/R-4C (COMMERCIAL HIGH INTENSITY-CONDITIONAL/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO C-3C/R-4C (COMMERCIAL HIGH INTENSITY-CONDITIONAL/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) IN ORDER TO ADD ADDITIONAL PERMITTED USES TO 4.4 ± ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF MARS AVENUE AND DEL REY BOULEVARD. SUBMITTED BY KARY BULSTERBAUM ON BEHALF OF SHARED EQUITY HOLDINGS, LLC, PROPERTY OWNER (Z2873).

PURPOSE(S) OF ACTION:

Zone change.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located on the northwest corner of Mars Avenue and Del Rey Boulevard, directly across the street west of the Discovery Child Development Center. The subject property is currently undeveloped and zoned C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional). The existing zoning designation has a number of conditions that were established by a zone change that took place in 2008, one of which limits the permitted C-3 uses on the property to mini-storage units only. The applicant is now seeking to add additional office, commercial and service related uses to the existing zoning designation, specifically for the potential use of the property for a new Veterans Affairs medical facility. The other conditions of the existing zoning designation shall remain unchanged. The subject property is located along Del Rey Boulevard, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning

Organization (MPO), where high intensity uses and zoning, such as the proposed, are encouraged.

On June 24, 2014 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 3-2-0, (one Commissioner position vacant, one Commissioner absent). During the meeting staff made the P&Z aware of a letter from the public that was received by staff asking the P&Z to potentially limit the height permitted on the subject property to one-story and require other development standards including additional buffer requirements and sound walls from the adjacent residential development. No other public input was received. The P&Z discussed these issues and after some deliberation the zone change was approved with the original conditions as recommended by staff. The existing and recommended zoning designations do not have any additional limits to the maximum permitted height for any future potential development on the property other than what is permitted by right. Please see Attachment "B" for a more detailed description of what occurred at the P&Z meeting. The conditions for the proposed zone change are as follows:

1. A minimum of 10 dwelling units per acre and a maximum of 40 dwelling units per acre shall be permitted on the subject property.
2. All newly constructed utilities will be placed underground.
3. The C-3 (Commercial High Intensity) uses on the subject property shall be limited to those uses specified in the attachment (Exhibit #C).
4. Chain-link fencing adjacent to Del Rey Boulevard will only be permitted in conjunction with mini-storage units; if chain-link fencing is utilized, a broken landscape buffer shall be established along the entire property boundary adjacent to Del Rey Boulevard with the fence placed behind said landscape. A broken landscape buffer requires trees and shrubs to be located so that their outermost limbs touch at the time of maturity.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Exhibit "C", Conditions.
5. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2873.
6. Attachment "B", Minutes from the June 24, 2014 Planning & Zoning Commission Meeting.
7. 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

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 4.4 ± acres will be rezoned to C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) allowing additional permitted uses.
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) will remain on the subject property and no additional uses shall be permitted. Denial of the zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

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

1. Ordinance 2454.

COUNCIL BILL NO. 15-004
ORDINANCE NO. 2723

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3C/R-4C (COMMERCIAL HIGH INTENSITY-CONDITIONAL/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO C-3C/R-4C (COMMERCIAL HIGH INTENSITY-CONDITIONAL/MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) IN ORDER TO ADD ADDITIONAL PERMITTED USES TO 4.4 ± ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF MARS AVENUE AND DEL REY BOULEVARD. SUBMITTED BY KARY BULSTERBAUM ON BEHALF OF SHARED EQUITY HOLDINGS, LLC, PROPERTY OWNER (Z2873).

The City Council is informed that:

WHEREAS, Shared Equity Holdings, LLC, the property owner, has submitted a request for a zone change from C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) to C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) adding additional permitted uses for the property located at the northwest corner of Mars Avenue and Del Rey Boulevard; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on June 24, 2014, recommended that said zone change request be approved with conditions by a vote of 3-2-0 (one Commissioner position vacant, one Commissioner absent).

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-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional).

(II)

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

(III)

THAT the zoning is conditioned with the conditions contained in Exhibit "C," attached hereto and made part of this Ordinance.

(IV)

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

(V)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

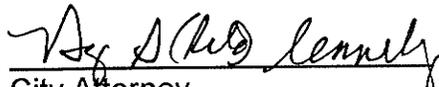
Councillor Pedroza: _____

Councillor Small: _____

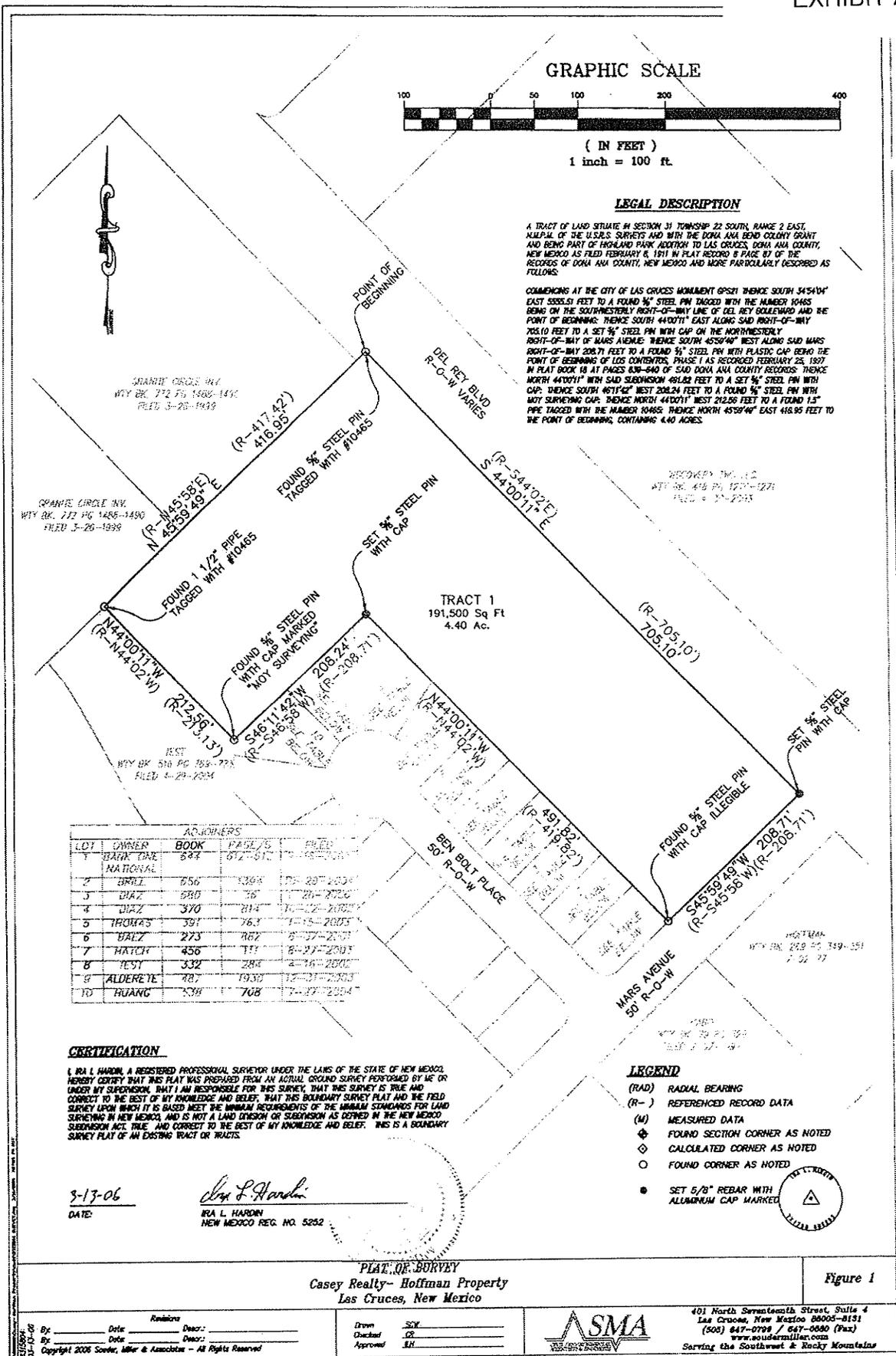
Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney



Findings

1. The subject parcel currently encompasses a total of 4.4 ± acres, is zoned C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) and is currently undeveloped.
2. The proposed zone change will permit a variety of residential, office and service related land uses on the subject property which may encourage a mixed-use development on the property. (2001 Zoning Code, Article 1, Section 38-2D)
3. The subject property is also located along Del Rey Boulevard, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity and uses and zoning, such as the proposed, are 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.

Conditions

1. A minimum of 10 dwelling units per acre and a maximum of 40 dwelling units per acre shall be permitted on the subject property.
2. All newly constructed utilities will be placed underground.
3. Chain-link fencing adjacent to Del Rey Boulevard will only be permitted in conjunction with mini-storage units; if chain-link fencing is utilized, a broken landscape buffer shall be established along the entire property boundary adjacent to Del Rey Boulevard with the fence placed behind said landscape. A broken landscape buffer requires trees and shrubs to be located so that their outermost limbs touch at the time of maturity.
4. The C-3 (Commercial High Intensity) uses on the subject property shall be limited to those listed below:

C-3 COMMERCIAL HIGH INTENSITY LAND USES ALLOWED

INSTITUTIONAL LAND USES

Community Buildings - Uses
Hospital

SERVICE LAND USES

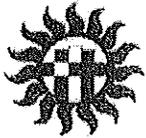
Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Business Offices
Consulting
Counseling Services
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Laboratory
Legal Services
Medical/Dental Office
Pharmacy
Real Estate
Tax Preparation

RETAIL LAND USES

Health Care Clinic (Non-Hospital)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

Mini-Storage Units



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: June 24, 2014
Drafted by: Adam Ochoa, Planner *AD*

CASE # Z2873 **PROJECT NAME:** Parcel ID# 02-03267
(Zone Change)

**APPLICANT/
REPRESENTATIVE:** Kary Bulsterbaum **PROPERTY
OWNERS:** Shared Equity
Holdings, LLC

LOCATION: Located on the **COUNCIL
DISTRICT:** District 5
northwest corner of
Mars & Del Rey (Councillor Sorg)

SIZE: 4.4 ± acres **EXISTING ZONING/
OVERLAY:** C-3C/R-4C
(Commercial High
Intensity-Conditional/
Multi-Dwelling High
Density & Limited
Retail and Office-
Conditional)

**REQUEST/
APPLICATION TYPE:** Zone change from C-3C/R-4C (Commercial High Intensity-
Conditional/Multi-Dwelling High Density & Limited Retail and Office-
Conditional) to C-3C/R-4C in order to add additional permitted uses

EXISTING USE: Vacant/undeveloped

PROPOSED USE: Multi-dwelling high density uses and limited office and commercial
uses and potentially a new Veteran Affairs medical facility

**STAFF
RECOMMENDATION:** Approval with conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
April 29, 2014	Application submitted to Development Services
April 30, 2014	Case sent out for review to all reviewing departments
May 7, 2014	Final comments returned by all reviewing departments
May 15, 2014	Staff reviews and recommends conditional approval of the zone change
June 8, 2014	Newspaper advertisement
June 5, 2014	Public notice letter mailed to neighboring property owners
June 6, 2014	Sign posted on property
June 24, 2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property is currently zoned C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) and encompasses 4.4 ± acres. The proposed zone change will keep the existing zoning designation, but will add a limited amount of additional permitted office, service and commercial uses, including the potential use of a Veterans' Affairs medical facility on the subject property. There is no definitive 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	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	Unknown	40 DU/ac.
Lot Area	4.4 ± acres (191,664 ± sq. ft.)	Unchanged	8,500 sq. ft. min in R-4 & 21,780 sq. ft. min. in C-3
Lot Width	705 ± feet	Unchanged	70 ft. min. in R-4 & 60 ft. min. in C-3
Lot Depth	416 ± feet	Unchanged	100 ft. min. in R-4 & 70 ft. min. in C-3
Structure Height	N/A	Unknown	60 ft. maximum
Setbacks			
Front	N/A	Unknown	20 ft. min. in R-4 & 15 ft. min. in C-3
Side	N/A	Unknown	7 ft. min. in R-4 & 5 ft. min. in C-3
Side	N/A	Unknown	7 ft. min. in R-4 & 5 ft. min. in C-3
Rear	N/A	Unknown	7 ft. min. in R-4 & 15 ft. min. in C-3
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/Undeveloped	N/A	C-3C/R-4C (Commercial High Intensity- Conditional/Multi- Dwelling High Density & Limited Retail and Office-Conditional)

North	Vacant/Undeveloped	N/A	C-2 (Commercial Medium Intensity)
South	Office Building	N/A	C-3 (Commercial High Intensity)
East	Private Club/Lodge	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
West	Single-Family Residences	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance # 2454	Zone change establishing the existing zoning designation and conditions
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	Yes
CLC Traffic	Yes	Yes
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

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

The Planning and Zoning Commission shall review each request in relation to the 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;
- B. Encourage innovations in land development and redevelopment;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- D. Encourage mixed-land use to decrease the length of trips for work and/or shopping and encourage the consolidation of trips and alternative modes of travel.

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 policies from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 4 Healthy Community (Balanced Development)

1. Goal 1, Policy 1.4

Chapter 5 Community Character (Flexible Design & Positive Image)

1. Goal 19, Policy 19.12
2. Goal 19, Policy 19.27

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 purpose of the proposed zone change is to add additional permitted uses to the existing C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) zoning designation on the 4.4 ± acre subject property located on the northwest corner of Mars Avenue and Del Rey Boulevard. The existing zoning designation has a number of conditions that were placed on the property with a zone change that took place in 2008. These conditions were developed and agreed upon by staff and the applicant to help the property be more in keeping and harmonious with the surrounding area. The conditions are as follows:

1. A minimum of 10 dwelling units per acre and a maximum of 40 dwelling units per acre shall be permitted on the subject property.
2. All newly constructed utilities will be placed underground.

3. The only permitted use allowed in the C-3 (Commercial High Intensity) zoning designation will be mini-storage units.
4. Chain-link fencing adjacent to Del Rey Boulevard will only be permitted in conjunction with mini-storage units; if chain-link fencing is utilized, a broken landscape buffer shall be established along the entire property boundary adjacent to Del Rey Boulevard with the fence placed behind said landscape. A broken landscape buffer requires trees and shrubs to be located so that their outermost limbs touch at the time of maturity.

The applicant is seeking to add additional office, commercial and service related uses to the existing zoning designation including the potential use of the property for a new Veterans Affairs medical facility. Please see Attachment # 6 for a list of permitted C-3 uses on the subject property. All other existing conditions shall remain on the property.

The proposed zone change will permit a variety of residential, office and service related land uses on the subject property which may encourage and have the potential of being developed into a mixed-use development. The proposed zone change may also permit the innovative development of the currently vacant property. The subject property is also located along Del Rey Boulevard, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity and uses and zoning, such as the proposed, 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 zone change is harmonious with and not out of character with the uses and zoning districts of the surrounding area; and
- The proposed zone change may potentially allow for the development of a new Veterans' Affairs medical facility which will be beneficial for the City.

DRC RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of the proposed zone change based on the findings listed below.

CONDITIONS FOR APPROVAL

1. A minimum of 10 dwelling units per acre and a maximum of 40 dwelling units per acre shall be permitted on the subject property.
2. All newly constructed utilities will be placed underground.
3. The C-3 (Commercial High Intensity) uses on the subject property shall be limited to those uses specified in the attachment (Attachment #5).
4. Chain-link fencing adjacent to Del Rey Boulevard will only be permitted in conjunction with mini-storage units; if chain-link fencing is utilized, a broken landscape buffer shall be established along the entire property boundary adjacent to Del Rey Boulevard with the fence placed behind said landscape. A broken landscape buffer requires trees and shrubs to be located so that their outermost limbs touch at the time of maturity.

FINDINGS FOR APPROVAL

1. The subject parcel currently encompasses a total of 4.4 ± acres, is zoned C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) and is currently undeveloped.
2. The proposed zone change will permit a variety of residential, office and service related land uses on the subject property which may encourage a mixed-use development on the property. (2001 Zoning Code, Article 1, Section 38-2D)
3. The subject property is also located along Del Rey Boulevard, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity and uses and zoning, such as the proposed, are 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

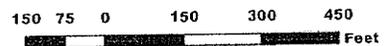
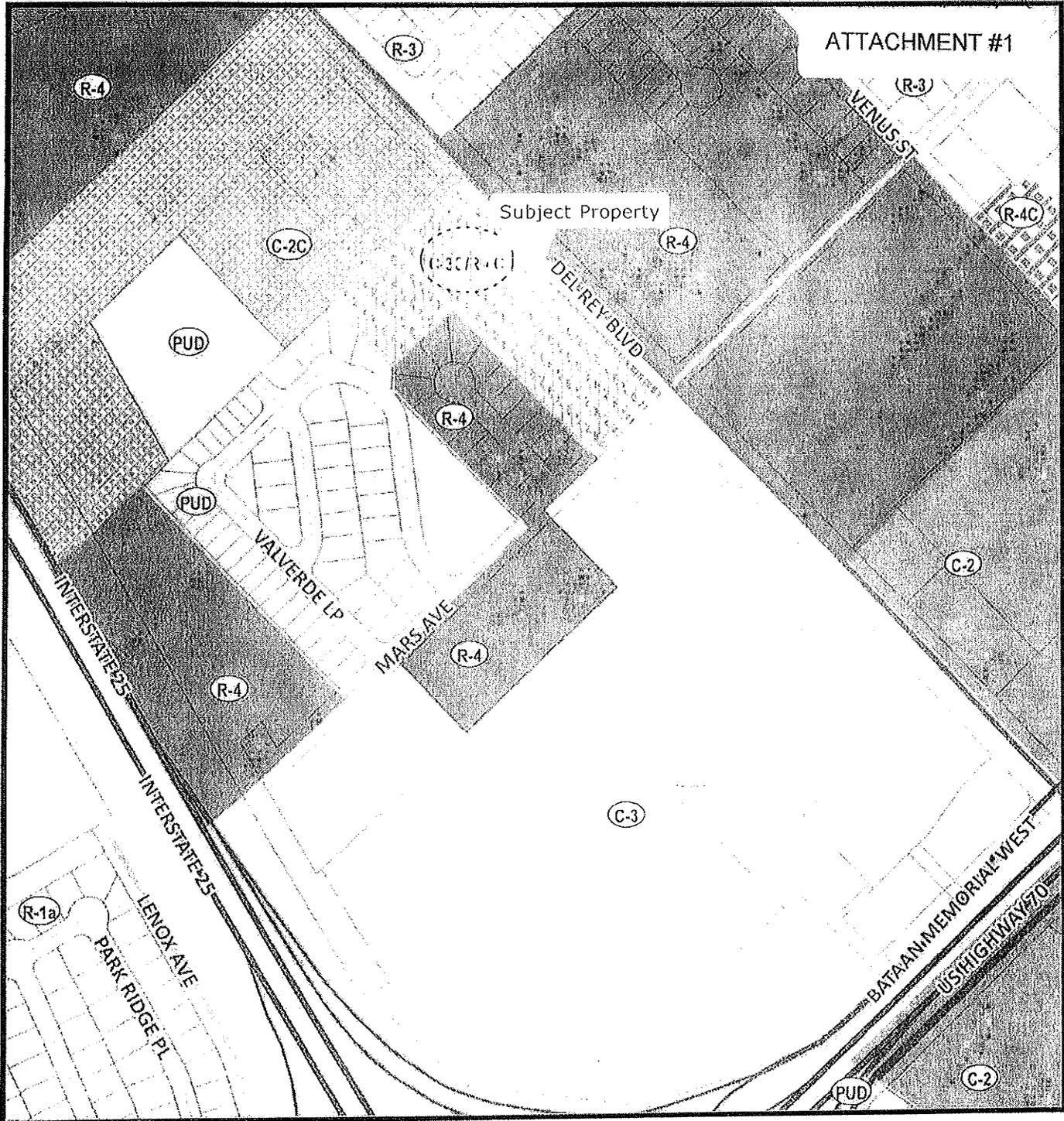
1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plan
4. Development Statement
5. Permitted C-3 Uses
6. Comprehensive Plan Elements and Policies
7. Reviewing Department/Agency Comments and/or Conditions

VICINITY MAP

ZONING: C-3C/R-4C
OWNER: SHARED EQUITY HOLDINGS, LLC

PARCEL: 02-03267
DATE: 06/03/2014

ATTACHMENT #1



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.

AERIAL MAP

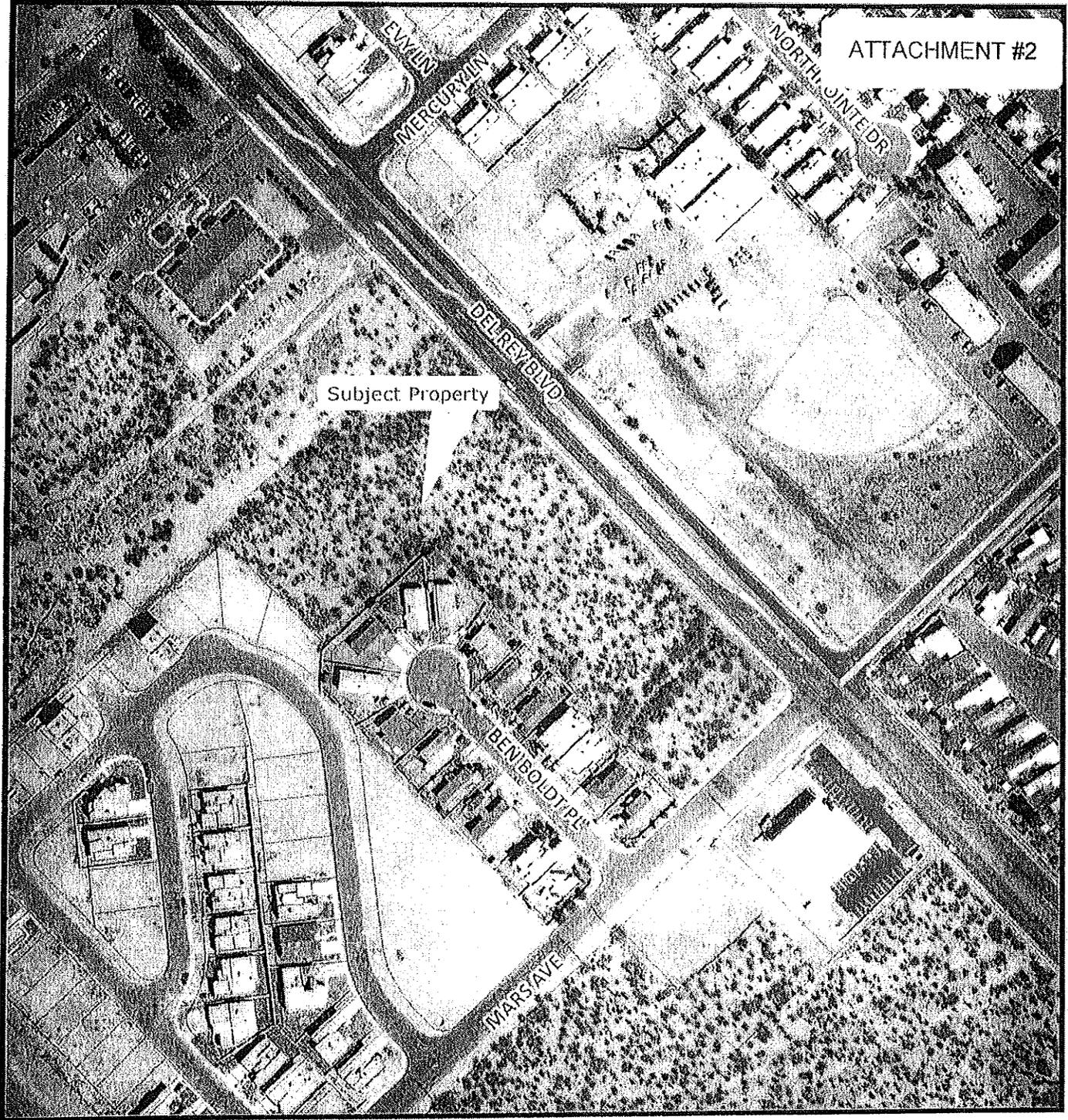
ZONING: C-3C/R-4C

OWNER: SHARED EQUITY HOLDINGS, LLC

PARCEL: 02-03267

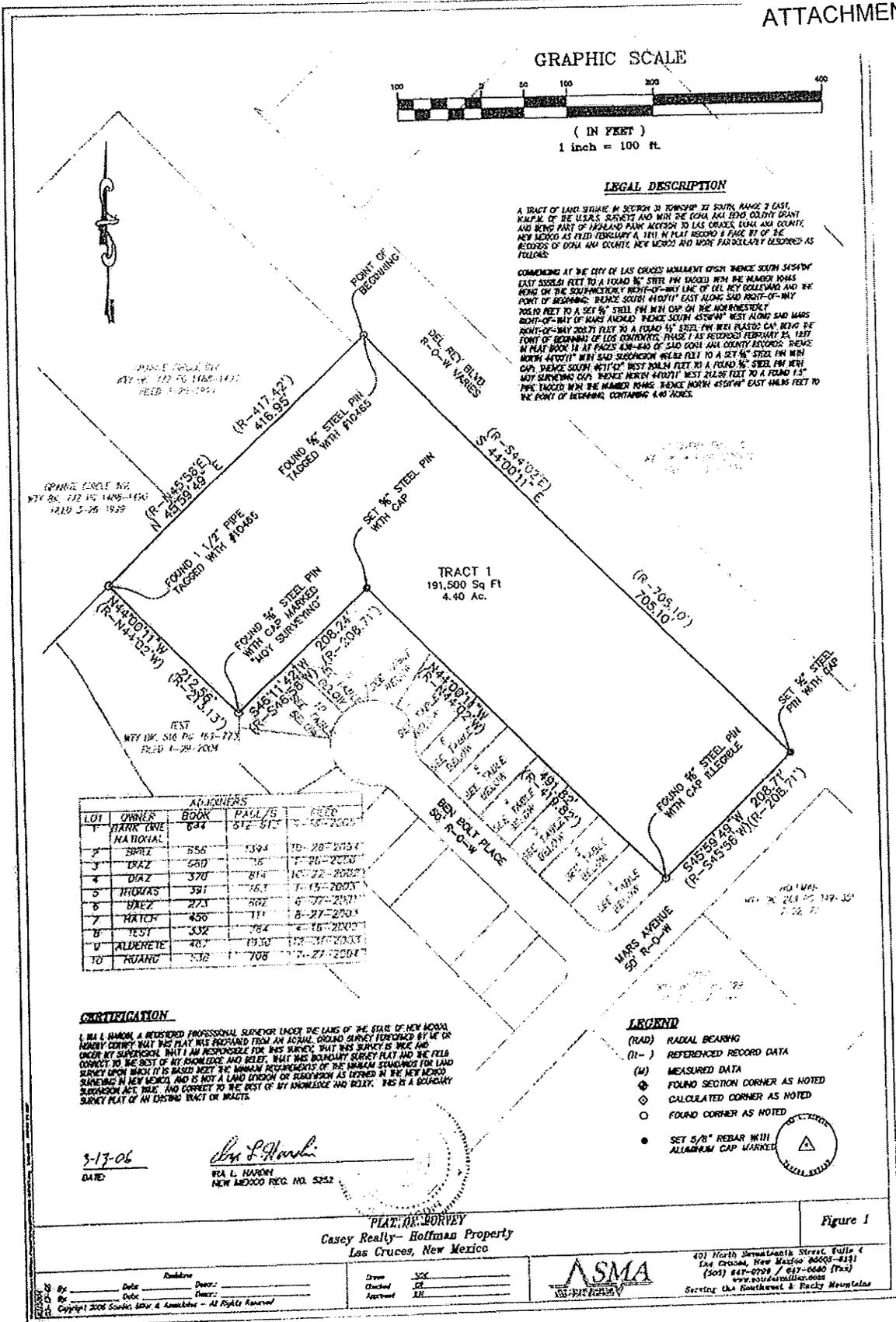
DATE: 06/03/2014

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.



3-17-06
 DATE

Raul L. Harron
 RAUL L. HARRON
 NEW MEXICO REG. NO. 5252

PLAT OF SURVEY
 Casey Realty - Hoffman Property
 Las Cruces, New Mexico

Figure 1

ASMA
 401 North Bernales Street, Suite 4
 Las Cruces, New Mexico 88001-4181
 (505) 647-0294 / 647-0660 (Fax)
 www.asma-surveyors.com
 Serving the Southwest & Rocky Mountains

By: _____ Date: _____
 Checked: _____
 Approved: _____

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: Shard Equity Holdings, LLC
 Contact Person: Kary Bultman-Kay
 Contact Phone Number: 575-634-1208
 Contact e-mail Address: Kary@shardequity.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: Zoning Change Allowing Specific Uses
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Commercial
 Location of Subject Property 4.4 acres MCRS & DR1 Key
 (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: 4.4 acres
 Detailed description of **current** use of property. Include type and number of buildings:
Vacant Land
 Detailed description of **intended** use of property. (Use separate sheet if necessary):
see attached map
 Zoning of Subject Property: R14 & C3 ~~is~~ blended
 Proposed Zoning (If applicable): no change requesting additional use
 Proposed number of lots 1/4, to be developed in 1/4 phase (s).
 Proposed square footage range of homes to be built from 1/4 to 1/4

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

10,000 sq ft 15,000 sq ft

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

8 am to 5 pm

Anticipated traffic generation ~~1000~~ trips per day.

Anticipated development schedule: work will commence on or about 6/1/2015

and will take 6 months to complete.

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

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).

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

Is there existing landscaping on the property? no actual sketch of present

Are there existing buffers on the property?

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

If yes, is it paved? Yes ___ No ___

How many spaces? ___ How many accessible? ___

Attachments

Please attach the following: (* indicates optional item)

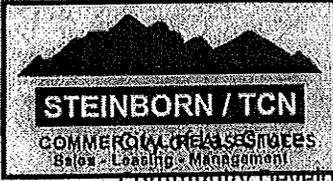
Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information



141 Roadrunner Pkwy.
Suite 141
Las Cruces, NM 88011
(505) 532-2345
(800) 234-3698 toll-free
(505) 522-4987 fax
www.steinborn.com

Community Development Department
700 N. Main Street Suite 1100
Las Cruces, NM 88004

4/25/2014

To Whom It May Concern:

Please accept the attached application intended to expand the current zoning in place to allow specific uses at the location and parcel noted. The site in question has been identified by the United States Department of Veterans Affairs as a possible site for a new outpatient medical clinic. The allowance of this clinic is the primary intent and request associated with this application. This clinic is currently in operation locally at 1635 Don Roser in Las Cruces. This is a community based clinic designed to deliver primary care to eligible veterans living in Dona Ana County and outlying areas. The intended scope of services would include but not be limited to:

- Health Screening
- Health Promotion
- Health Maintenance
- Education
- Management of acute and chronic diseases
- Immunizations

The projected size of this development will be a minimum of 10,000 SQFT pending the final construction specifications agreed to in writing and is not expected to exceed 15,000 SQFT in size. The location must be accessible to public transportation and be ADA compliant. On-site parking will be provided to accommodate a minimum of 62 vehicles or as required under guidelines as directed by the City of Las Cruces, 10 of which must be reserved for handicapped/disabled parking. It is anticipated that this will be a single story structure. Federal facilities such as this must meet the highest standards in architectural design features and will at minimum incorporate landscaping, applicable buffers, ease of access, entrance signage, ponding, and energy efficient lighting standards. The facility will also have to meet a wide variety of federal LEED Certified development standards.

The ownership is also requesting that additional C-3 specific service related land uses be allowed in association with this application as defined under Article IV Section 38-32 of the Las Cruces Municipal Zoning Code. The additional uses requested have been highlighted directly from the article and section noted, and are attached for consideration. Please feel free to give me a call if you have any questions.

Sincerely

Kary Bulsterbaum



C-3 COMMERCIAL HIGH INTENSITY LAND USES ALLOWED

INSTITUTIONAL LAND USES

- Community Buildings - Uses
- Hospital

SERVICE LAND USES

- Accounting, Auditing & Bookkeeping
- Architectural, Engineering, Planning & Surveying Services
- Bank, Bonding & Financial Institution/Facility (No Drive Thru)
- Business Offices
- Consulting
- Counseling Services
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Insurance
- Laboratory
- Legal Services
- Medical/Dental Office
- Pharmacy
- Real estate
- Tax Preparation

RETAIL LAND USES

- Health Care Clinic (Non-Hospital)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

- Mini-Storage Units

Comprehensive Plan Elements and Policies

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

COMMERCIAL DEVELOPMENT

CHAPTER 7 Sustainable Growth

Subsection: Vibrant Planning Areas, Neighborhoods and Districts

GOAL 32: Establish land use policy for commercial and public/quasi-public uses.

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.

LAND USE

Chapter 4 Healthy Community
Subsection: Balanced Development

GOAL 1: Encourage mixed use development.

Policies:

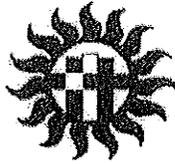
- 1.4 Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.

Chapter 5 Community Character
Subsection: Flexible Design & Positive Image

GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.

Policies:

- 19.12 Follow mitigation techniques in the City Code, as amended, related to buffering, spacing between uses, site design, and architectural controls as a means to place potentially incompatible uses adjacent to one another to encourage flexibility in land use that provides for compatibility and quality design.
1. 19.27 Support a policy of mixed land uses which are not traditionally considered compatible that may be located next to one another depending upon design features and compatibility with the adjacent area as a result of the mixed land use policy of this Comprehensive Plan.



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: Development Services

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:

YES

NO

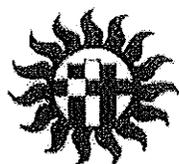
APPROVED WITH CONDITIONS:

DATE: 5/7/14

REVIEWER NAME: *Adam Ochoa*

REVIEWER CONTACT NO. 57204

ADD: Counseling Services, Health Care Clinic (Non-Hospital)



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: MPO

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:

YES

NO

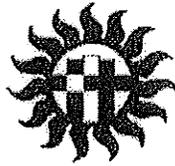
APPROVED WITH CONDITIONS:

DATE: 5/7/14

REVIEWER NAME: Andrew Wang

REVIEWER CONTACT NO. 3072

No Comments



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: Engineering

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS: YES NO

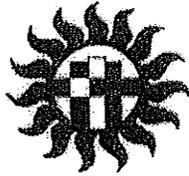
APPROVED WITH CONDITIONS:

DATE: 5/1/14

REVIEWER NAME: Natalia Pithy

REVIEWER CONTACT NO. 528 3496 / npithy@las-cruces.org

- Indicate how historic & post-development runoff (Q₂) will be managed
- The site has concentrated flows & is greater than 3 acres ∴ a drainage report (hydrology & hydraulics) are required upon development (avg slope of site is ~5%)
- ROW dedication maybe required



City of Las Cruces®

PEOPLE HELPING PEOPLE

Case Review Sheet

Case #: Z2873

Date: April 30, 2014

Request: Northwest corner of Del Rey Blvd. & Mars Ave. Parcel ID#: 02-03267. Zone Change to allow additional uses in the existing C-3C/R-4C zoning designation

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>216F</u>
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

DEVELOPMENT IMPROVEMENTS:

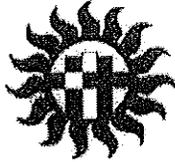
	Drainage Calculation needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
	Drainage Study needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
	Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	
	Sidewalk extension needed	YES <input checked="" type="checkbox"/>	NO _____	
<i>internal</i>	Curb & gutter extension needed	YES <input checked="" type="checkbox"/>	NO _____	
	Paving extension needed	YES <input checked="" type="checkbox"/>	NO _____	
	NMDOT permit needed	YES _____	NO <input checked="" type="checkbox"/>	

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: *Conditionally* Approval _____ Denial _____

Add language to application re: stormwater management

RECEIVED



City of Las Cruces

PEOPLE HELPING PEOPLE

MAY 02 2014
TRAFFIC

DATE: April 30, 2014

TO: Traffic

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:

YES

NO

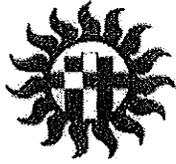
APPROVED WITH CONDITIONS:

DATE: 5/5/14

REVIEWER NAME: K. Espinoza

REVIEWER CONTACT NO. 2701

- Application did not include trip generation there for the application was incomplete.
- We will require a TIA at the time of development
- We have concerns regarding the impact on the intersection of Mars and Del Rey.



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: Land Management

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:



NO

APPROVED WITH CONDITIONS:

DATE: 4/30/14

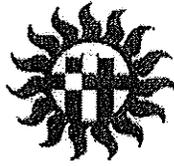
REVIEWER NAME: Adam Ochoa

REVIEWER CONTACT NO. 528-3204

RECEIVED

4/30/2014

CITY OF LAS CRUCES
LAND MANAGEMENT



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: Parks

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:

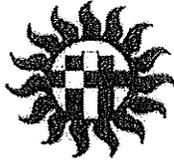
YES

NO

APPROVED WITH CONDITIONS:

DATE: 4/30/14

REVIEWER NAME: [Signature]
REVIEWER CONTACT NO. 2550



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: Fire

APR 30 2014

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:

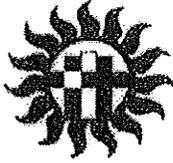
YES

NO

APPROVED WITH CONDITIONS:

DATE: 5/1/14

REVIEWER NAME: Mu 9
REVIEWER CONTACT NO. 74150



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: April 30, 2014

TO: Utilities

FROM: Adam Ochoa, Planner

CASE NO.: Z2873 (Review No.1)

SUBJECT: Northwest corner of Del Rey Boulevard & Mars Avenue
Zone change to allow additional uses in the existing C-3C/R-4C zoning

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.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE:

05/07/14

REVIEWER NAME:

John Reid

REVIEWER CONTACT NO.:

528-3635

No water rights issues

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
June 24, 2014 at 6:00 p.m.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Ruben Alvarado, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Ted Sweetser, CLC Fire Department
Robert Cabello, CLC Legal Staff
Shannon Martin, CLC Police
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 24th of June. We'll start as we usually do by introducing the Commissioners present. My far right is Commissioner Clifton, representing District 6, and to his left Commissioner Stowe who represents District 1 and is also our Vice Chairman. And Commissioner Ferrary for District 5. Commissioner Beard for District 2, he's also our secretary. I'm Godfrey Crane, the Chairman, I represent District 4. And we have at present no 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: Now we ask if any Commissioner or anybody in Community Development Department has a conflict in interest in regard to any item on tonight's agenda? No one so indicates. So we will proceed. We have two items on the consent agenda tonight Z2873. You signaling me Mr. Ochoa?

1 Ochoa: Yes sir, I believe we skipped the approval of the minutes.
2

3 **III. APPROVAL OF MINUTES**

4 1. May 27, 2014 - Regular Meeting

5
6 Crane: Oh I beg your pardon and it says right in front of me, approval of minutes.
7 We go onto the approval of the minutes for the last meeting, May 27th.
8 Commissioners does anyone have any points to make about last
9 meeting's minutes? Mr. Clifton you're reaching for your button but your
10 light is not on so that means you're satisfied?

11
12 Clifton: I'll make a motion to approve the minutes.

13
14 Crane: All right, that's accepted. And is there any second.

15
16 Stowe: Second.

17
18 Crane: Seconded by Mr. Stowe. All in favor aye.

19
20 ALL: Aye.

21
22 Crane: Against, nay. And any abstentions? Then the minutes are accepted by
23 vote of five for, zero against. Thank you.

24
25 **IV. CONSENT AGENDA**

26
27 1. **Case Z2873: MOVED TO FIRST ITEM OF NEW BUSINESS**

28
29 2. **Case Z2874:** Application of Laura Stull Kaczmarek & Nancy Abeyta on
30 behalf of Ann F. Stull, property owner, to rezone two lots encompassing 6.06
31 +/- acres from M-1/M-2 (Industrial Standard) to C-3 (Commercial High
32 Intensity), located on the southwest corner of Nevada Avenue and Triviz
33 Drive; 960 S. Triviz Drive; Parcel ID# 02-22084 and 02-31034. Proposed
34 Use: Storage unit facility and truck/trailer rentals; Council District 3 (Pedroza)

35
36 Crane: The two items on the consent agenda are Z2873 and Z2874. These are
37 matters that the Community Development Department has judged are
38 probably noncontroversial and therefore they are put together in a group
39 called consent agenda. There is no debate on them and we vote on them
40 as one group, just up or down. However, if anybody on the Commission,
41 any Community Planning person, or anybody, maybe member of the
42 public wishes to discuss either of these matters or both, we will take them
43 off this agenda and put them onto the new business agenda. Does
44 anybody want to move it?

45 I have a point to make about Z2873. We've received a letter from a
46 couple called Test, Donald and Diane who are adjacent property owners

1 to this and they have some concerns. And so I'm going to pull this from
 2 the consent agenda and put it as the first item on new business, over the
 3 page if you have the agenda with you. Any objection to ... anybody want
 4 to discuss Z2874? Nobody so indicates, so that will be the consent
 5 agenda item. May I hear a motion that the consent agenda Case Z2874
 6 only be affirmed?
 7

8 Stowe: So moved.

9
 10 Crane: Moved by Mr. Stowe.

11
 12 Beard: Second.

13
 14 Crane: Seconded by Mr. Beard. All in favor aye.

15
 16 ALL: Aye.

17
 18 Crane: Any against? It passes five/zero. So Z2874 passes.
 19

20 **V. OLD BUSINESS - NONE**

21
 22 **VI. NEW BUSINESS**

23
 24 Crane: We have a postponement Mr. Ochoa.

25
 26 Ochoa: Yes, sir. Thank you Mr. Chairman. Under new business it is item number
 27 two, case S-13-030W. It's a request for a waiver to road improvements for
 28 a proposed subdivision known as Gamboa Acres Subdivision. The
 29 property owner was unable to make tonight's meeting unfortunately and is
 30 asking to be postponed date specific to the July 22nd Planning and Zoning
 31 Commission Meeting.
 32

33 Crane: Okay, July 22nd. All right. Thank you. Anything else before we get into
 34 the new business Mr. Ochoa? No, okay.
 35

36 Ochoa: No sir, that's it.
 37

38 Crane: Tonight's meeting could be longer than usual. With that in mind, I am
 39 thinking of taking a suggestion from Community Development and moving
 40 case PA-14-01 which concerns the Arroyo Management Plan to the end of
 41 the new business, but I don't want to do that if that's going to be more
 42 disruptive than leaving it where it is. May I see a show of hands from the
 43 public as to who has come with the objective of speaking to the Arroyo
 44 Management Plan? Hands up. I see one, two, three people. Okay, so I
 45 take it that the rest of you are here for the other business. And since there
 46 are only the three, we'll ask you to wait until the end of the business, the

1 three other cases so we don't have to have the public sit through the
 2 discussion of the Arroyo Management Plan which they're probably not
 3 familiar with. Does any Commissioner have any objection to that? So
 4 Case PA-14-01 goes to number five on the list.
 5

6 **1. Case PA-14-01: MOVED TO THE LAST ITEM OF NEW BUSINESS.**
 7

8 **Case Z2873:** Application of Kary Bulsterbaum on behalf of Shared Equity
 9 Holdings, LLC, property owner, for a zone change from C-3C/R-4C
 10 (Commercial High Intensity-Conditional/Multi-Dwelling High Density &
 11 Limited Retail and Office-Conditional) to C-3C/R-4C in order to add
 12 additional permitted uses to a 4.4 +/- acre lot located on the northwest corner
 13 of Mars Avenue and Del Rey Boulevard; Parcel ID# 02-03267;. Proposed
 14 Use: Multi-dwelling high density uses and limited office and commercial
 15 uses: Council District 5 (Sorg)
 16

17 Crane: We'll now discuss Case Z2873 in the normal way. The way we do this is
 18 that first of all Mr. Ochoa tonight will give a presentation on this and then
 19 Commissioners may have questions of him. Then we ask the applicant, if
 20 present, to come up and tell us about the application, and we may ask the
 21 applicant questions. And finally we invite members of the public to come
 22 up and speak to the matter. Typically we don't time people's
 23 presentations unless there are quite a lot of people, in which case we'll
 24 specifically limit you to three minutes, but I suspect there aren't too many
 25 people interested in this particular case. After all the members of the
 26 public have spoken, we close the matter to discussion and the
 27 Commissioners will discuss it among themselves and then vote. So, Mr.
 28 Ochoa shall one of us put into the record this comment on the, from
 29 Donald and Diane Test or are they present? Yes, Ms. Montana?
 30

31 Montana: The oath. We have to give the oath.
 32

33 Crane: Oh yes. To Mr. Ochoa. I beg your pardon. Mr. Ochoa do you swear or
 34 affirm that the testimony you are about to give is the truth and nothing but
 35 the truth under penalty of law?
 36

37 Ochoa: I do sir.
 38

39 Crane: Thank you.
 40

41 Ochoa: For your question about the public ... the letter we got from the public
 42 there sir. What we can do, I can do a quick presentation, kind of touch
 43 base on it and then if you like you could read it into the minutes if you like
 44 sir or I could read it into the minutes. It's definitely up to you sir. Or if you
 45 could just ...
 46

- 1 Crane: I think rather than read the whole thing as you mentioned to me before the
2 meeting that almost all of their objections are in fact already taken care of
3 and there was only one that was not, so we could perhaps confine
4 ourselves to that.
5
- 6 Ochoa: We could definitely do that Mr. Chairman. The members from the public
7 essentially had no issues with the proposed potential Veteran's Affairs
8 Medical facility on the property, but are adjacent property owners of
9 residential lots and essentially were asking for a couple of requirements or
10 conditions to be placed on the proposed zone change. The first thing
11 being ... asking the Planning and Zoning Commission to require the
12 facility to be limited to a single story and to include sufficient setbacks to
13 the existing residential homes on the adjacent residential lots. And
14 additionally they also requested to require the applicant to provide a sound
15 wall and mature trees along the adjacent residentially zoned properties to
16 the west to assure some type of I guess buffer if you will between the
17 subject property and, excuse me, the residential lots. Now those ... the
18 first condition that they're asking for, that's something that they're asking
19 for that's outside of the bounds of the zoning code of course, but the
20 second item about sound wall/landscape area, that is already kind of a
21 requirement required by code. If this property gets developed for a
22 nonresidential use, commercial, or the VA facility, they are required to
23 provide a buffer yard adjacent to that residentially zoned property,
24 anywhere from a 15-foot semi-opaque buffer yard or a 10-foot opaque
25 buffer yard which is anywhere between about a six-foot tall opaque wall
26 and then landscaping behind it or a four-foot tall landscape ... opaque wall
27 with landscaping behind it. So, that is kind of taken into effect and the
28 setbacks are required to be met there as well with that.
29
- 30 Crane: So the sound wall and mature trees requirement is there already, they will
31 have to do that. The single story cannot be required, or could we require
32 it?
33
- 34 Ochoa: That's something that the Planning and Zoning Commission may require
35 or ask the property owner, the applicant, to possibly take into
36 consideration. It's definitely up to you sir.
37
- 38 Crane: And includes sufficient setbacks to the existing residential homes and lots.
39 Sufficient is not specified here.
40
- 41 Ochoa: No sir.
42
- 43 Crane: Is there any elbowroom to change that? Ms. Harrison-Rogers, your light's
44 on.
45

- 1 H-Rogers: Yes sir. Mr. Chair, members of the Commission, I was just ... I was going
2 to wait until you were done with your statement, but did want to specify
3 just for reference the height limits in terms of what's allowed in various
4 zones so that you had a reference point for that since they were asking for
5 a single story, I was just going to point that out for you. For the type of
6 zoning that's being requested, it's 60-feet, however for residential, typical
7 single-family residual it's 35-feet as a maximum height.
8
- 9 Crane: Okay. Thank you.
- 10
11 Ochoa: And, sorry sir, to answer your question about the setbacks, since that
12 buffer yard is required they cannot build within that buffer yard area. They
13 can't even put parking in that buffer yard area. It has to be actual
14 dedicated kind of left alone space if you will between the property line and
15 where they can commence to start developing of the building or parking
16 area for the facility sir.
17
- 18 Crane: Okay. Is there any representative of Mr. and Mrs. Test present? All right,
19 nobody indicates they're a representative
20
- 21 Ochoa: Mr. Chairman. I also just wanted to add, the existing zoning on the
22 property now is still C-3C/R-4C, so technically if this zone change to add
23 additional uses was not permitted they could still develop a potentially 60-
24 foot tall building, or the maximum building height in the existing zoning on
25 the property is 60-feet in height.
26
- 27 Crane: They could.
- 28
- 29 Ochoa: Yes sir.
- 30
- 31 Crane: They're permitted to do it, so I'm trying to phrase this in a way that we
32 could vote on. I can't regard this as a ... this is simply a public comment is
33 it not? And if the zoning permits two stories then the people who are
34 making this note to us are really unable to force it single. Correct?
35
- 36 Ochoa: Mr. Chairman, it is basically a public comment that is ... they're requesting
37 for you to take that into consideration.
38
- 39 Crane: In that case if we have no further input from ... Commissioners you have
40 any questions on this for Mr. Ochoa? No. And nobody from Community
41 Development ... yes, Ms. Ferrary.
42
- 43 Ferrary: I haven't been able to locate their plans for the building size. Is that
44 included in this request?
45

- 1 Ochoa: Mr. Chairman, Commissioner Ferrary, there is a narrative by the
2 applicant's representative in there. Mr. Kary Bulsterbaum kind of
3 explaining what they're looking at potentially building with the VA facility,
4 and I believe he could possibly touch a little ... give more example of what
5 they're looking at building, but there are no actual specific building plans
6 as of now ma'am.
7
- 8 Ferrary: And they ... do they ... is there a request for how tall the building will be?
9
- 10 Ochoa: Mr. Chairman, Commissioner Ferrary, no there is not a request for the
11 height of the building.
12
- 13 Ferrary: Okay. Thank you.
14
- 15 Crane: So, let me swear you in. Perhaps you should state your name first.
16
- 17 Bulsterbaum: My name is Kary Bulsterbaum. I'm a commercial real estate broker here
18 in town.
19
- 20 Crane: Okay. Do you swear or affirm that the testimony you are about to give is
21 the truth and nothing but the truth under penalty of law?
22
- 23 Bulsterbaum: I do.
24
- 25 Crane: Carry on please.
26
- 27 Bulsterbaum: I guess first of all just to answer your question Commissioner Ferrary,
28 sorry. The ... this may be subject to change, especially in lieu of all the
29 politics that's going on. All I can tell you is it's a potential site for the VA
30 clinic, not a guarantee that it may be located there. The specs as of this
31 moment would be approximately just over 10,000 square foot facility,
32 somewhere in the neighborhood of I believe 11,000 plus or minus. To my
33 knowledge the ... this could be subject to change. Most of these VA
34 clinics just due to the nature they don't want a lot of second story space
35 and elevator space and things like that. The likelihood that this would just
36 be a single story facility is pretty high. I don't see this going another level
37 if you will, and I can't say that with certainty element. It sounds likes the
38 zone codes already covered, they certainly don't want that changed if that
39 were to happen, but I would say the probability of this being a single story
40 would be pretty probable I guess would be the point.
41
- 42 Ferrary: Thank you for answering that.
43
- 44 Crane: Anybody else have any questions for Mr. Bulsterbaum? Any members ...
45 thank you sir. Any member of the public wish to address this question?
46 Yes, sir. Please come up, identify yourself. Say your name please.

1
2 Winham: Good evening. My name is Steve Winham. I live there on Valverde Loop,
3 close by.
4
5 Crane: Do you swear or affirm that the testimony you are about to give is the truth
6 and nothing but the truth under penalty of law?
7
8 Winham: Yes.
9
10 Crane: Thank you.
11
12 Winham: A couple of questions I have ... after we had looked at the notice is; one is
13 I can foresee there being a need for a traffic light being put in there at
14 Mars and Del Rey with the activity that would be created between ... with
15 the VA clinic, not knowing exactly how much activity would be there but I
16 would suspect it would be rather significant, so I think that would be
17 something that would need to be considered.
18
19 Crane: Mr. Ochoa do you ... is there a traffic study involved in this at this point?
20
21 Ochoa: Mr. Chairman our traffic engineering department did review the proposed
22 zone change. They did recommend approval for the proposed zone
23 change with the conditions that essentially in the future when development
24 does happen a TIA or traffic impact analysis would be required of the
25 property, when development happens and potential changes to you know,
26 to the road, adding decel. lanes and acceleration lanes, or possibly adding
27 lights there at that intersection. That's what the traffic impact analysis
28 would determine for traffic engineering sir.
29
30 Crane: Okay. Thank you, so that's in hand. Does that answer your question sir?
31
32 Winham: Yes, and I guess one of the second questions would be included as to the
33 ... where the entrance would be ... entrance and exit, would it be off of Del
34 Rey or off of Mars?
35
36 Crane: Can you illuminate Mr. Ochoa?
37
38 Ochoa: Mr. Chairman at this time that has not been determined as of yet.
39 Unfortunately it's in such a preliminary phase they don't know where
40 exactly that entrance or exit would be on the property sir.
41
42 Crane: Thank you.
43
44 Winham: Just a comment follow-up on that, is ... as a citizen or person that lives
45 there on Valverde I would highly recommend ... I think all the residents
46 that live there, that it would be placed ... the entrance would be on Del

- 1 Rey rather than on Mars which is the street that goes to the housing there
2 which would create a lot of congestion. So the other comment I have is I
3 would support the building being only one story if that's enforceable.
4 Thank you.
5
- 6 Crane: Thank you sir. Any other member of the public wish to address this
7 matter? Then I'll close this to public discussion. Commissioners. Let me
8 hear a motion that Z2873 be approved. The change of zoning from C-
9 3C/R-4C conditional to C-3C/R-4C. Somebody ... Mr. Clifton.
- 10
- 11 Clifton: I make a motion we approve Case Z2873 as recommended with
12 conditions by staff. Condition one, a minimum of 10 dwelling units per
13 acre and a minimum of 40 dwelling units per acre shall be permitted on
14 the subject property. Two, all newly constructed utilities be placed
15 underground. Three, the C3 commercial high intensity uses on the
16 subject property shall be limited to those specified in the attachment,
17 attachment number five. And four, chain link fencing adjacent to Del Rey
18 Boulevard will only be permitted in conjunction with mini storage units. If
19 chain link fencing is utilized, a broken landscape buffer shall be
20 established along the entire property boundary adjacent to Del Rey
21 Boulevard with the fence placed behind said landscape. A broken
22 landscape buffer requires trees and shrubs to be located so that their
23 outmost limbs touch the time of maturity.
24
- 25 Crane: Thank you.
- 26
- 27 Beard: Second.
- 28
- 29 Crane: Seconded by Mr. Beard. Any discussion? Then we'll do a roll call vote
30 starting with ... did you want to say something Ms. Ferrary?
31
- 32 Ferrary: Yes. The question, was it finalized whether or not we could enforce a
33 single story or not?
34
- 35 Crane: My impression was from what Mr. Ochoa said was we could not enforce it
36 but Mr. Bulsterbaum did say that it was very unlikely that it would go
37 beyond a single story.
38
- 39 Ferrary: Okay, I just wanted to confirm that.
- 40
- 41 Crane: Am I correct Mr. Ochoa?
- 42
- 43 Ochoa: Mr. Crane you definitely are allowed to limit the height of a building with a
44 condition, of course that condition would be something you'd have to vote
45 on and the applicant would have to be agreeable to that condition to move

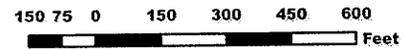
- 1 that condition forward. Essentially that's typically how it works by adding
2 additional conditions like that sir.
3
- 4 Crane: Thank you. Ms. Ferrary do you want to suggest an amendment as ... an
5 additional condition as an amendment?
6
- 7 Ochoa: Mr. Chairman, pardon me for interrupting sir but there's already a motion
8 set forward by Commissioner Clifton and it's been seconded so it does
9 need to be voted on sir.
10
- 11 Crane: Surely we can vote on amendments to that before we vote on the motion.
12
- 13 Ochoa: No sir. Since it's already been seconded we cannot.
14
- 15 Beard: Couldn't we have a discussion?
16
- 17 Crane: Well we can discuss.
18
- 19 Ochoa: I believe a discussion can be made or can be done but that motion still
20 needs to be voted up sir.
21
- 22 Crane: Very well, so those of us who would perhaps like to see an additional
23 condition put there should vote against the motion as it stands and then
24 we can entertain a new motion with the additional condition. Very well,
25 let's take a vocal vote on Z2873. Mr. Clifton.
26
- 27 Clifton: Aye.
28
- 29 Crane: And could you say why sir.
30
- 31 Clifton: Aye based on staff presentation, case packet materials, applicant
32 presentation, the fact that the case meets zoning code article one, section
33 38-2d, Comprehensive Plan 2040, sustainable growth goal 32, policy 32.3
34 and section 38-2 of the 2001 Zoning Code as amended.
35
- 36 Crane: Thank you. Commissioner Stowe.
37
- 38 Stowe: Nay, based on discussions this evening.
39
- 40 Crane: Okay. Commissioner Ferrary.
41
- 42 Ferrary: Nay, based on site, visit, discussions, and findings.
43
- 44 Crane: Commissioner Beard. Thank you.
45
- 46 Beard: Yes, based on conditions and discussions.

- 1
2 Crane: The chair votes aye based on findings, discussion, and site visit. So the
3 motion passes three votes to two. Thank you all.
4
- 5 Beard: Could we even discuss a little bit about her objection? I mean I would like
6 to ...
7
- 8 Crane: I think we're allowed to do that.
9
- 10 Clifton: Mr. Chair.
11
- 12 Crane: Mr. Clifton, yes.
13
- 14 Clifton: Could we get conformance from legal before we proceed discussing a
15 case that's been voted on?
16
- 17 Cabello: I don't think ... since this has already been voted on, it's not on the
18 consent to have new findings that were not on there. I don't think this
19 could be discussed again right now.
20
- 21 Crane: Thank you. So that matter is closed.
22
- 23 2. **Case S-13-030W:** Application of Western Lands Surveying on behalf of Jose
24 A and Martha C Gamboa, property owners, to waive 100% of the road
25 improvement requirements for Saromi Lane and Cortez Drive, a proposed
26 collector roadway. The proposed waiver is associated with improvements
27 required for a proposed alternate summary subdivision known as Gamboa
28 Acres Subdivision on a 5.01 +/- acre tract located on the southwest corner of
29 Cortez Drive and Saromi Lane; 7486 Cortez Drive; Parcel ID# 02-25523.
30 Proposed Use: Two (2) new rural single-family residential lots; Council
31 District 6 (Levatino). **POSTPONED UNTIL JULY 22ND PLANNING AND**
32 **ZONING MEETING.**
33
- 34 3. **Case PUD-14-01:** Application of The Arbors at Del Rey located at 3731 Del
35 Rey Boulevard, Parcel numbers 02-25264 and 02-25265, to rezone two lots
36 totaling 4.98 +/- acres from C-2C (Commercial Medium Intensity, Conditional)
37 to Planned Unit Development (PUD) in order to: (1) allow an existing nursing
38 home/assisted living facility as a principal permitted use; (2) allow the raising
39 of small animals as an accessory use to the assisted living facility use; (3)
40 allow the existing 2.49-acre lot size as-of-right; and (4) allow other 2001
41 Zoning Code C-2 District development standards and land uses to apply with
42 the PUD. Council District 5 (Sorg)
43
- 44 Crane: We will proceed, since Case S-13-030W is postponed, to Case PUD-14-
45 01, application of the Arbors at Del Rey located at 3731 Del Rey
46 Boulevard to rezone two lots from commercial C-2C to ... conditional ... to

ZONING: C-3C/R-4C
OWNER: SHARED EQUITY HOLDINGS LLC

VICINITY MAP

PARCEL: 02-03267
DATE: 07/17/2014



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