

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 14Ordinance/Resolution# 2723For 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.

<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 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:

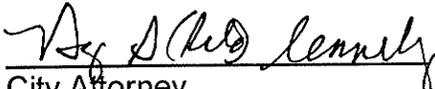
\_\_\_\_\_  
City Clerk

(SEAL)

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

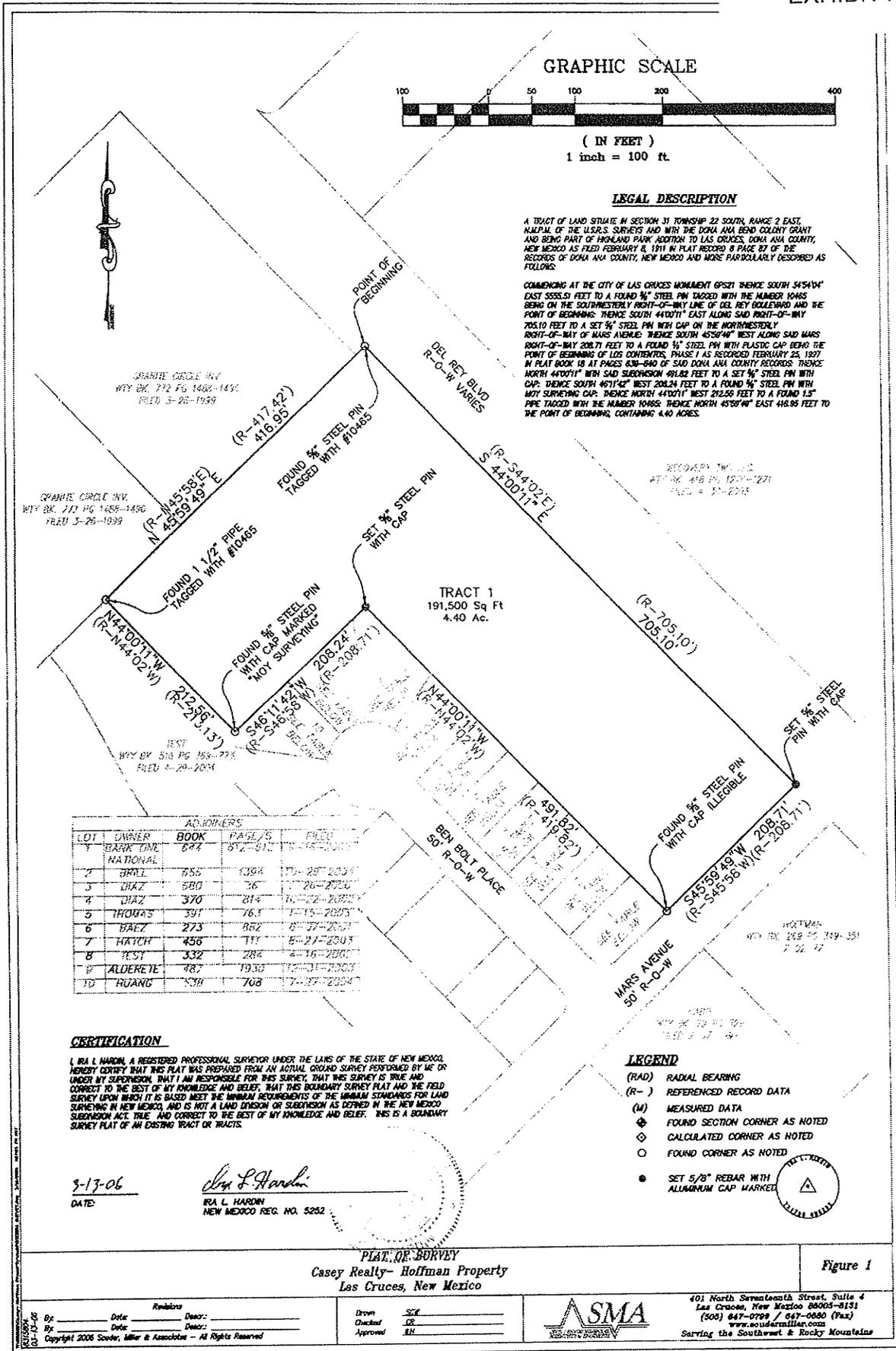
Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

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

VOTE:

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



3-13-06  
DATE: *Ira L. Hardy*  
IRA L. HARDY  
NEW MEXICO REG. NO. 5262

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

Figure 1

## 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



**Planning & Zoning  
Commission  
Staff Report**

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

**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 (Councillor Sorg)  
Mars & Del Rey

**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
<b>Setbacks</b>			
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
<b>Landscaping</b>			
% 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	No	
Landscaping		
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 polices 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**

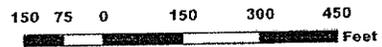
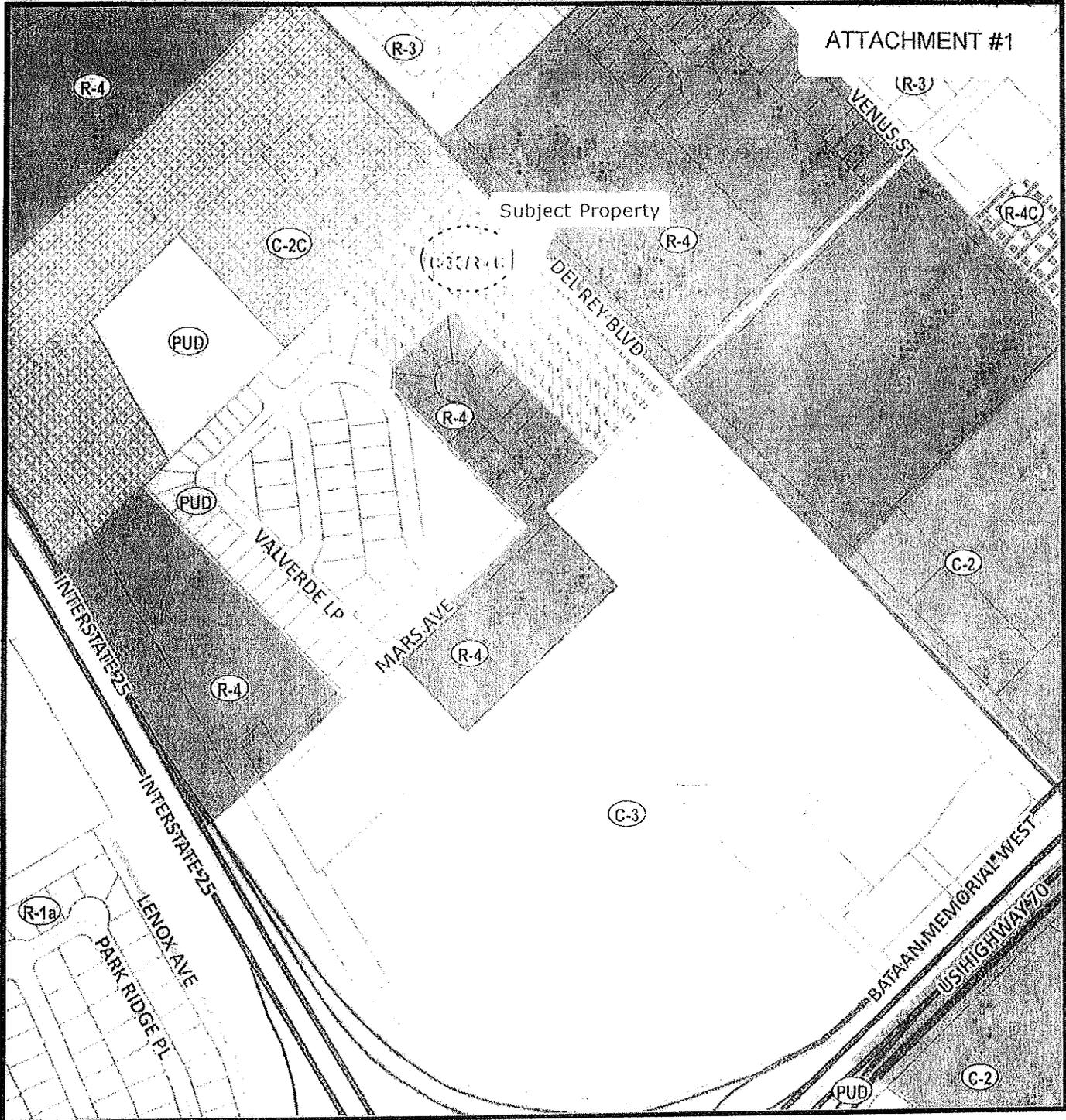
1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plan
4. Development Statement
5. Permitted C-3 Uses
6. Comprehensive Plan Elements and Policies
7. Reviewing Department/Agency Comments and/or Conditions

# 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

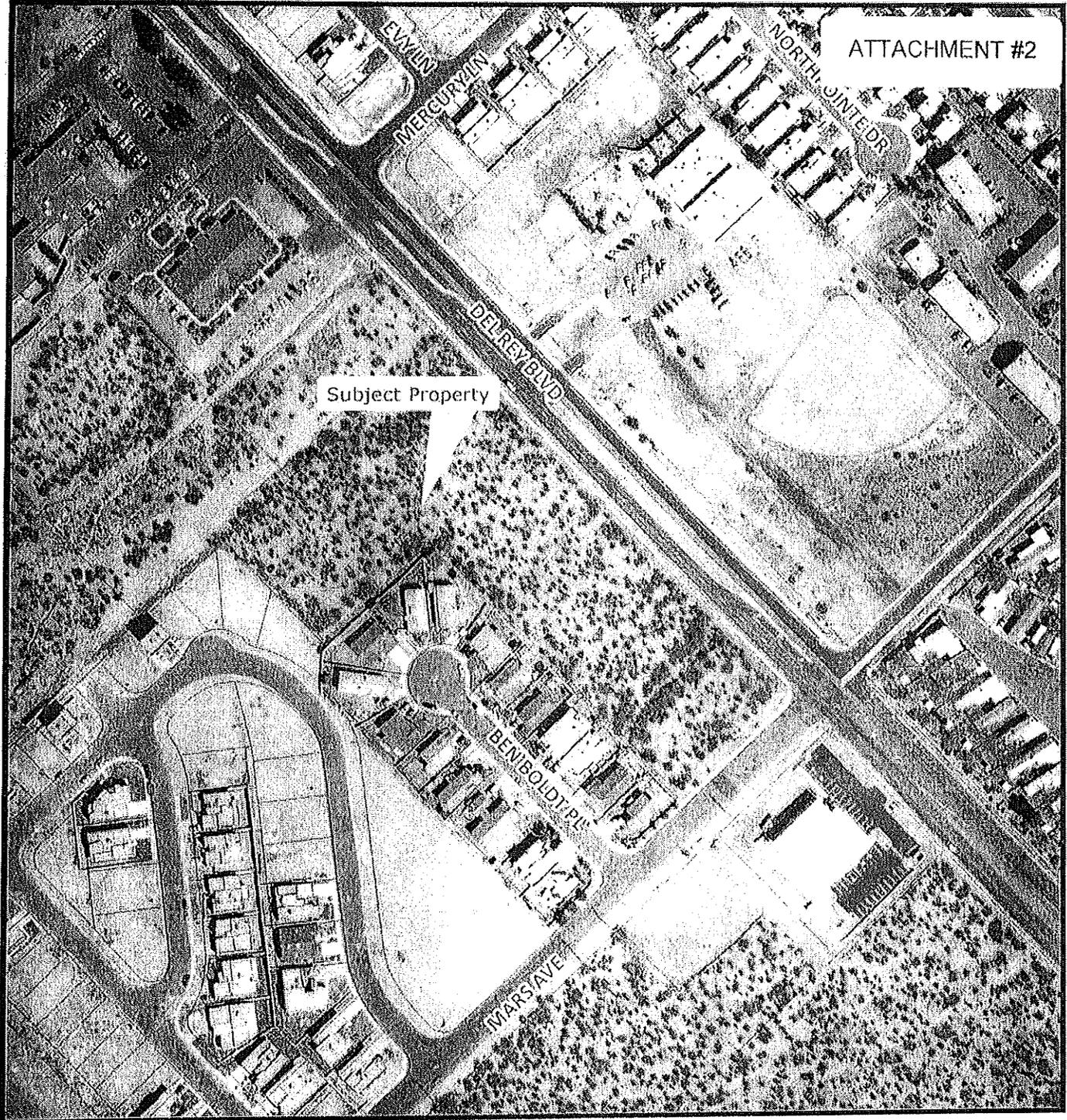
ZONING: C-3C/R-4C

OWNER: SHARED EQUITY HOLDINGS, LLC

PARCEL: 02-03267

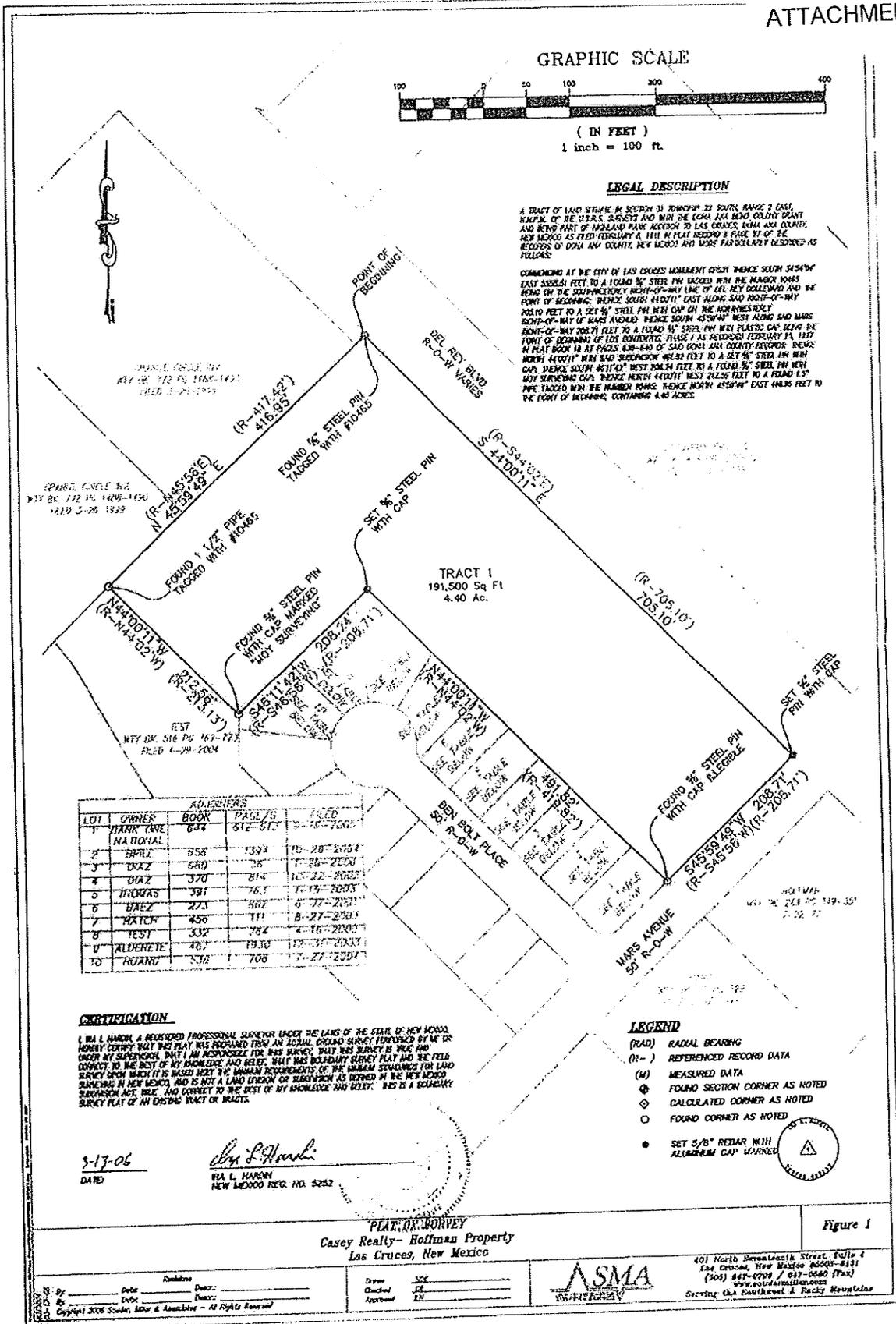
DATE: 06/03/2014

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.*



### 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: Shored Equity Holdings, LLC  
 Contact Person: Kary Bultman  
 Contact Phone Number: 575-639-1208  
 Contact e-mail Address: Kary@shored.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 & DPL Hwy  
 (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 @ blended  
 Proposed Zoning (If applicable): no change requesting additional use  
 Proposed number of lots 1/1, to be developed in 1/1 phase (s).  
 Proposed square footage range of homes to be built from 1/1 to 1/1

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)

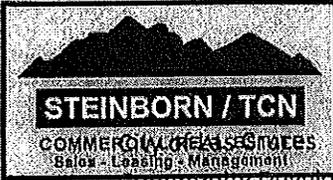
Location map

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:

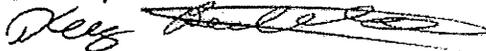
Please accept the attached application intended to expand the current zoning in place to allow specific uses at the location and parcel noted. The site in question has been identified by the United States Department of Veterans Affairs as a possible site for a new outpatient medical clinic. The allowance 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 &amp; BULK STORAGE LAND USES

- Mini-Storage Units

## Comprehensive Plan Elements and Policies

*The following polices 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:

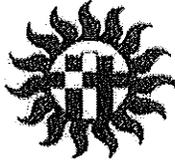
- 1.4 Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.

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]**.

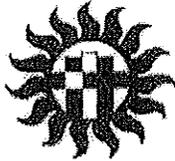
***IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).***

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 5/7/14 REVIEWER NAME: *Adam Ochoa*  
REVIEWER CONTACT NO. 57209

*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](mailto:krogers@las-cruces.org).**

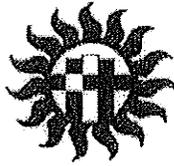
APPROVED AS IS:  YES  NO

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]**.

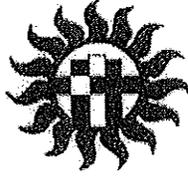
**IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).**

APPROVED AS IS:                      YES                      NO

APPROVED WITH CONDITIONS:

DATE: 5/1/14                      REVIEWER NAME: Natalashia Bily  
REVIEWER CONTACT NO. 528-3494/nbily@las-cruces.org

- Indicate how historic & post-development runoff (Q<sub>10</sub>) 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:

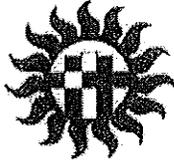
	Drainage Calculation needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
	Drainage Study needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
	Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	
	Sidewalk extension needed	YES <input checked="" type="checkbox"/>	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](mailto: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](mailto:krogers@las-cruces.org).***

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

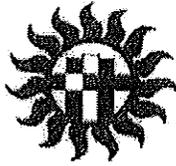
DATE: 5/7/14

REVIEWER NAME: Adam Ochoa  
REVIEWER CONTACT NO. 528-3204

# RECEIVED

MAY 7 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](mailto:krogers@las-cruces.org).***

APPROVED AS IS:

YES

NO

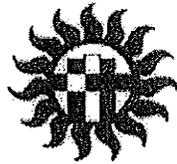
APPROVED WITH CONDITIONS:

DATE: 4/30/14

REVIEWER NAME:

REVIEWER CONTACT NO:

2550



# City of Las Cruces<sup>®</sup>

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](mailto:krogers@las-cruces.org).***

APPROVED AS IS:

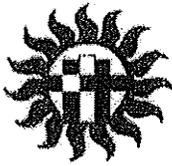
YES

NO

APPROVED WITH CONDITIONS:

DATE: 5/1/14

REVIEWER NAME: MOA  
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](mailto: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.**

**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

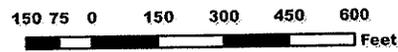
- 1 that condition forward. Essentially that's typically how it works by adding  
2 additional conditions like that sir.  
3
- 4 Crane: Thank you. Ms. Ferrary do you want to suggest an amendment as ... an  
5 additional condition as an amendment?  
6
- 7 Ochoa: Mr. Chairman, pardon me for interrupting 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

*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.*