

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 15Ordinance/Resolution# 2724For Meeting of August 4, 2014  
(Ordinance First Reading Date)For Meeting of August 18, 2014  
(Adoption Date)

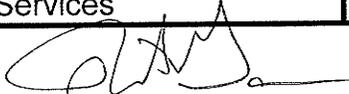
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM M-1/M-2 (INDUSTRIAL STANDARD) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 6.06 ± ACRES OF LAND LOCATED AT 960 S. TRIVIZ DRIVE. SUBMITTED BY LAURA STULL-KACZMAREK & NANCY ABEYTA ON BEHALF OF ANN F. STULL, PROPERTY OWNER (Z2874).

### PURPOSE(S) OF ACTION:

Zone change.

<b>COUNCIL DISTRICT: 3</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 property located on the southwest corner of Nevada Avenue and Triviz Drive, directly east of the Chaparral Apartment Complex. The subject property currently consists of a storage unit facility and is zoned M-1/M-2 (Industrial Standard). The applicants are seeking to add the additional use of a truck/trailer rental business on the subject property, which is not a permitted use in the M-1/M-2 zoning district. The proposed zone change to C-3 (Commercial High Intensity) will allow the truck/trailer rental business on the subject property and allow the continued use of the existing storage unit facility as well. The subject property is located along Triviz Drive, a minor arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity uses and zoning, such as the proposed, are encouraged. The proposed zone change would also permit two uses with a rational relationship on the subject property.

On June 24, 2014 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 5-0-0, (one Commissioner position vacant, one Commissioner absent). The proposed zone change was approved on the consent agenda at

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

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2874.
5. Attachment "B", Minutes from the June 24, 2014 Planning & Zoning Commission Meeting.
6. Attachment "C", Vicinity Map.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 6.06 ± acres will be rezoned from M-1/M-2 (Industrial Standard) to C-3 (Commercial High Intensity).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of M-1/M-2 (Industrial Standard) will remain.

on the subject property and the truck/trailer rental use will not 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 2114.

COUNCIL BILL NO. 15-005  
ORDINANCE NO. 2724

**AN ORDINANCE APPROVING A ZONE CHANGE FROM M-1/M-2 (INDUSTRIAL STANDARD) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 6.06 ± ACRES OF LAND LOCATED AT 960 S. TRIVIZ DRIVE. SUBMITTED BY LAURA STULL-KACZMAREK & NANCY ABEYTA ON BEHALF OF ANN F. STULL, PROPERTY OWNER (Z2874).**

The City Council is informed that:

**WHEREAS**, Ann F. Stull, the property owner, has submitted a request for a zone change from M-1/M-2 (Industrial Standard) to C-3 (Commercial High Intensity) for the property located at 960 S. Triviz Drive; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on June 24, 2014, recommended that said zone change request be approved by a vote of 5-0-0 (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-3 (Commercial High Intensity).

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

**(IV)**

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

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

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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

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

APPROVED AS TO FORM:

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

VOTE:

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



## Findings

1. The subject parcel currently encompasses a total of 6.06 ± acres, is zoned M-1/M-2 (Industrial Standard) and currently consists of a storage unit facility.
2. The proposed zone change will foster two uses with rational relationships for the mutual benefit for all. (2001 Zoning Code, Article 1, Section 38-2M)
3. The subject property is also located along Triviz Drive, a minor 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.



**Planning & Zoning  
Commission  
Staff Report**

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

**CASE #** Z2874      **PROJECT NAME:** 960 S. Triviz Drive  
(Zone Change)

**APPLICANT/  
REPRESENTATIVE:** Laura Stull      **PROPERTY OWNERS:** Ann F. Stull  
Kaczmarek &  
Nancy Abeyta

**LOCATION:** Located on the      **COUNCIL DISTRICT:** District 3  
southwest corner of      (Councillor Pedroza)  
Nevada & Triviz

**SIZE:** 6.06 ± acres      **EXISTING ZONING/  
OVERLAY:** M-1/M-2 (Industrial  
Standard)

**REQUEST/  
APPLICATION TYPE:** Zone change from M-1/M-2 (Industrial Standard) to C-3  
(Commercial High Intensity)

**EXISTING USE:** Storage unit facility

**PROPOSED USE:** Storage unit facility and truck/trailer rentals

**STAFF  
RECOMMENDATION:** Approval without conditions based on findings

**TABLE 1: CASE CHRONOLOGY**

Date	Action
May 6, 2014	Application submitted to Development Services
May 7, 2014	Case sent out for review to all reviewing departments
May 28, 2014	Final comments returned by all reviewing departments
May 29, 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 located on the southwest corner of Nevada Avenue and Triviz Drive is currently zoned M-1/M-2 (Industrial Standard), encompasses 6.06 ± acres and currently consists of a storage unit facility. The applicants are seeking to add the use of truck/trailer rentals on the subject property, which is not permitted in the current M-1/M-2 zoning district. The proposed zone change to C-3 (Commercial High Intensity) will allow the use of truck/trailer rentals and continue to allow the current storage unit facility on the subject property.

### TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	M-1/M-2	C-3
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	40 DU/ac.
Lot Area	6.06 ± acres (263,973 ± sq. ft.)	15,000 sq. ft. min.	21,780 sq. ft. min.
Lot Width	651 ± feet	60 ft. min.	60 ft. min.
Lot Depth	395 ± feet	70 ft. min.	70 ft. min.
Structure Height	12 ± feet	60 feet maximum	60 feet maximum
<b>Setbacks</b>			
Front	27 ± feet	15 ft. min.	15 ft. min.
Secondary Front	25 ± feet	15 ft. min.	15 ft. min.
Side	20 ± feet	20 ft. min.	5 ft. min.
Rear	24 ± feet	15 ft. min.	15 ft. min.
Accessory Structure	N/A	N/A	N/A
ROW Dedication	N/A	N/A	N/A
<b>Landscaping</b>			
% of property (less building pad & screened storage)	15%	15%	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	Storage unit facility	N/A	M-1/M-2 (Industrial Standard)
North	Drainage Pond	N/A	FC (Flood Control)
South	Multi-Family Residential	N/A	R-3 (Multi-Dwelling Medium Density)
East	Interstate 25		

West	Multi-Family Residential	N/A	R-3 (Multi-Dwelling Medium Density)
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**TABLE 5: PARCEL HISTORY**

Number	Status
Permit	N/A
Ordinance # 2114	Zone change C-2C to M-1/M-2 to bring the property into compliance with the 2001 Zoning Code
Resolution	N/A

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

For specific comments and/or conditions, see attached.

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Traffic	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	Yes
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;
- 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;
- M. Foster a more rational relationship between different land uses for the mutual benefit for all.

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

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

#### Applicable Comprehensive Plan Elements & Policies

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

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

1. Goal 32, Policy 32.3

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

#### Analysis

The subject property is currently zoned M-1/M-2 (Industrial Standard), encompasses 6.06 ± acres and currently consists of a storage unit facility. The applicants are seeking to expand the use of the property for truck and trailer rentals to go along with the existing storage unit facility. The existing M-1/M-2 zoning district does not permit the use of truck and trailer rentals on the subject property. The proposed zone change to C-3 (Commercial High Intensity) would permit the additional use on the subject property and continue to allow the existing use as well. No actual building alterations or additions are proposed at this time.

The proposed zone change would permit two uses with a rational relationship on the subject property and potentially encourage the consolidation of trips for the public. The subject property is located within close proximity of other properties with the proposed C-3 zoning designation, making it compatible with other properties in close proximity in terms of zoning. The subject property is also located along Triviz Drive, a minor arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity uses and zoning, such as the proposed, are encouraged.

#### Conclusion

The proposed zone change is supported by the Development Services Staff and several reviewing departments in the City of Las Cruces. The City of Las Cruces Fire Department did express an interest in ensuring the adequate design of the access to and circulation around the potential parking areas for the new truck and trailer rentals. There were concerns that, if not designed appropriately, the vehicles could block and/or prevent a fire apparatus from adequately accessing the facility in case of an emergency. The Fire Department recommended approval of the proposed zone change with the condition that, if the truck and trailer rental use occurs on the subject property, the applicants would provide an accurate and to scale

site/access plan of the property showing the capability of the driving aisles of allowing access for a fire apparatus. Per the request of the Fire Department, the applicant submitted a site/access plan and the Fire Department reviewed and approved the plan for compliance. Please refer to Attachment #3 for the approved site/access plan. No other issues remain for the proposed zone change. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- With adequate sight design, 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; and
- The proposed zone change is harmonious with and not out of character with the uses and zoning districts of the surrounding area.

### **DRC RECOMMENDATION**

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

### **STAFF RECOMMENDATION**

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

### **FINDINGS FOR APPROVAL**

1. The subject parcel currently encompasses a total of 6.06 ± acres, is zoned M-1/M-2 (Industrial Standard) and currently consists of a storage unit facility.
2. The proposed zone change will foster two uses with rational relationships for the mutual benefit for all. (2001 Zoning Code, Article 1, Section 38-2M)
3. The subject property is also located along Triviz Drive, a minor 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. Comprehensive Plan Elements and Policies
6. Reviewing Department/Agency Comments and/or Conditions

# Vicinity Map

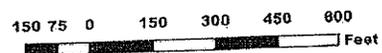
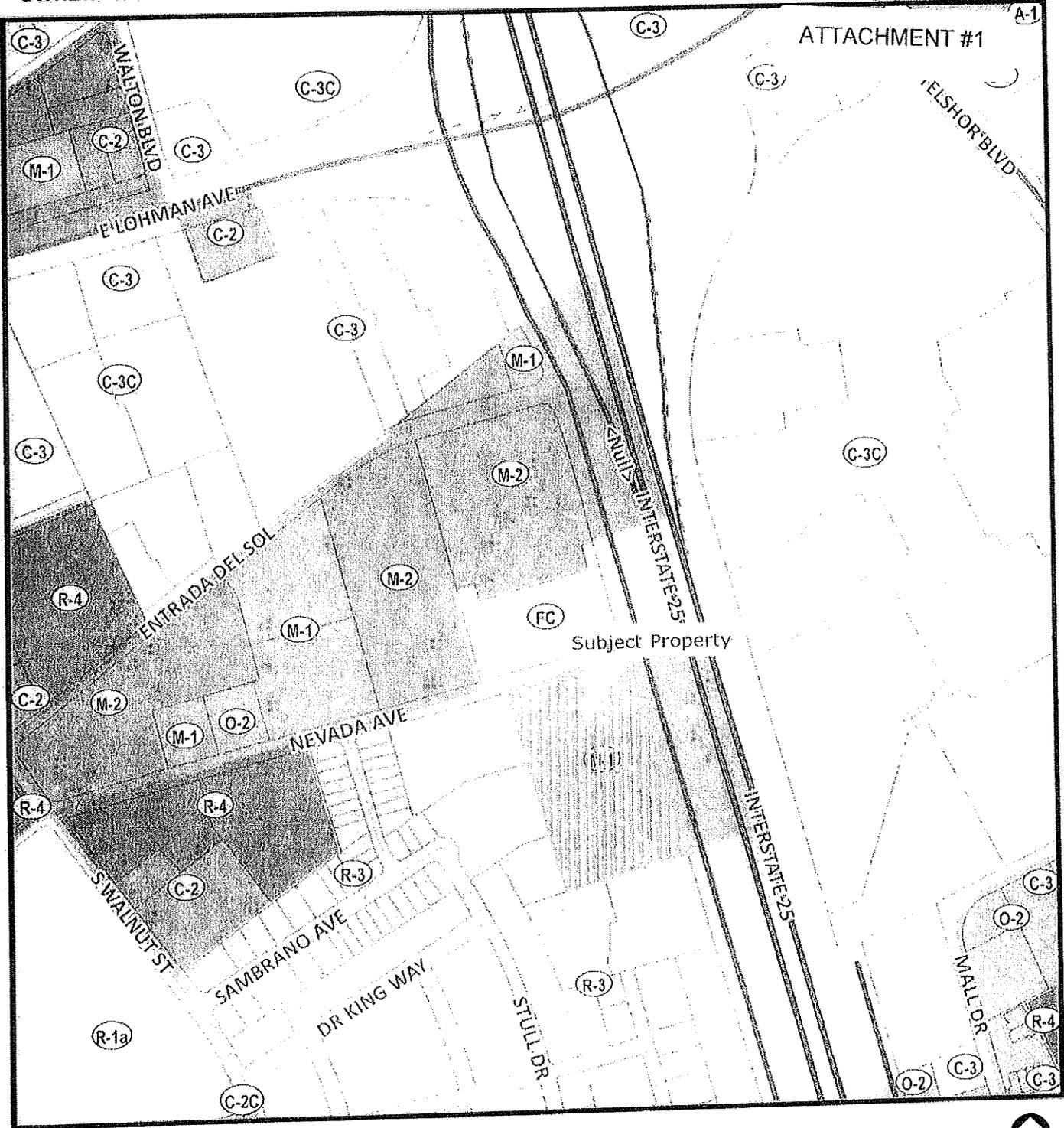
PARCEL: 02-22084 &

02-31034

DATE: 06/06/2014

ZONING: M-1/M-2 TO C-3  
OWNER: ANN F STULL

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 responsibility for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.*

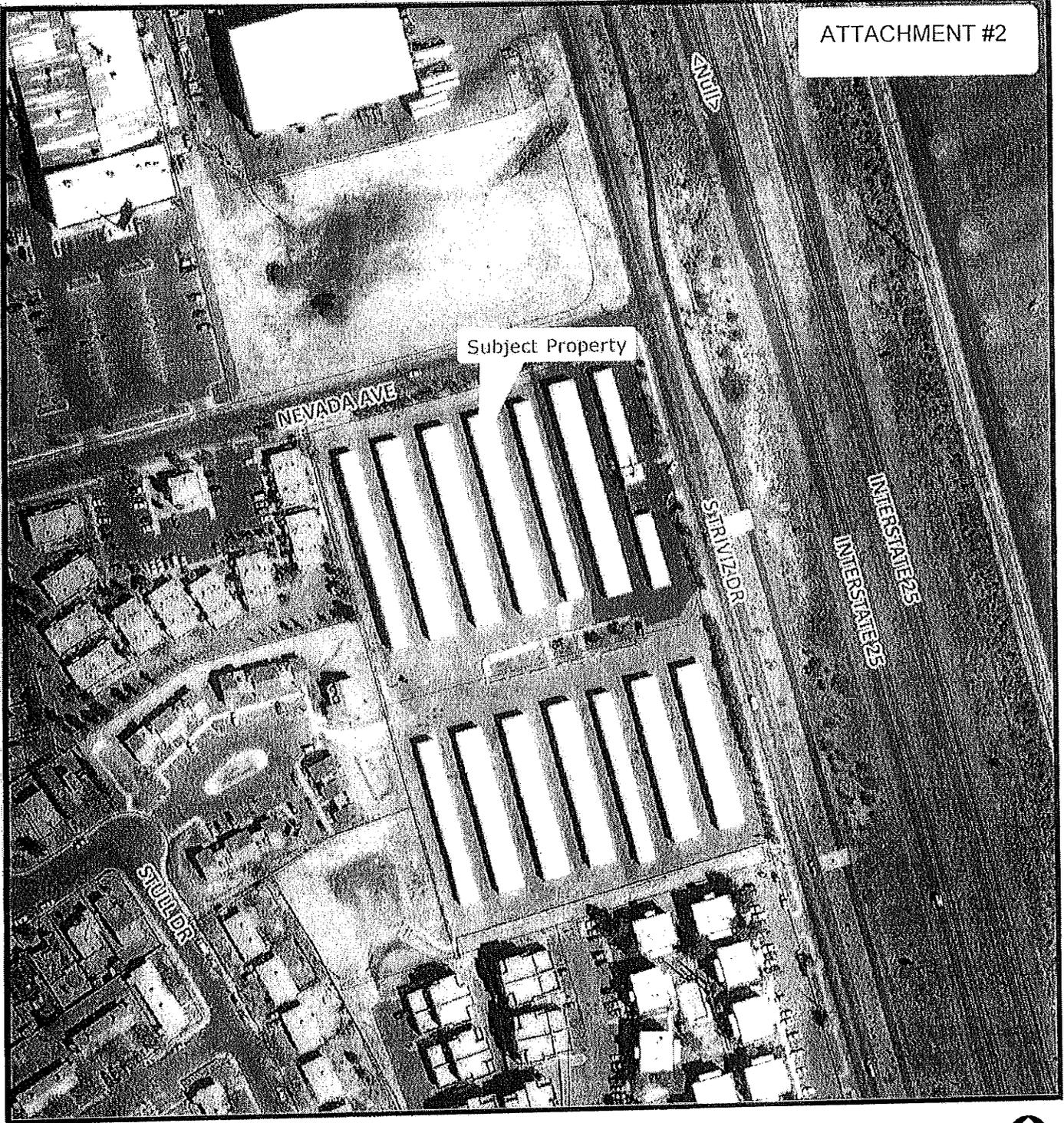
# Aerial Map

PARCEL: 02-22084 &  
02-31034

DATE: 06/06/2014

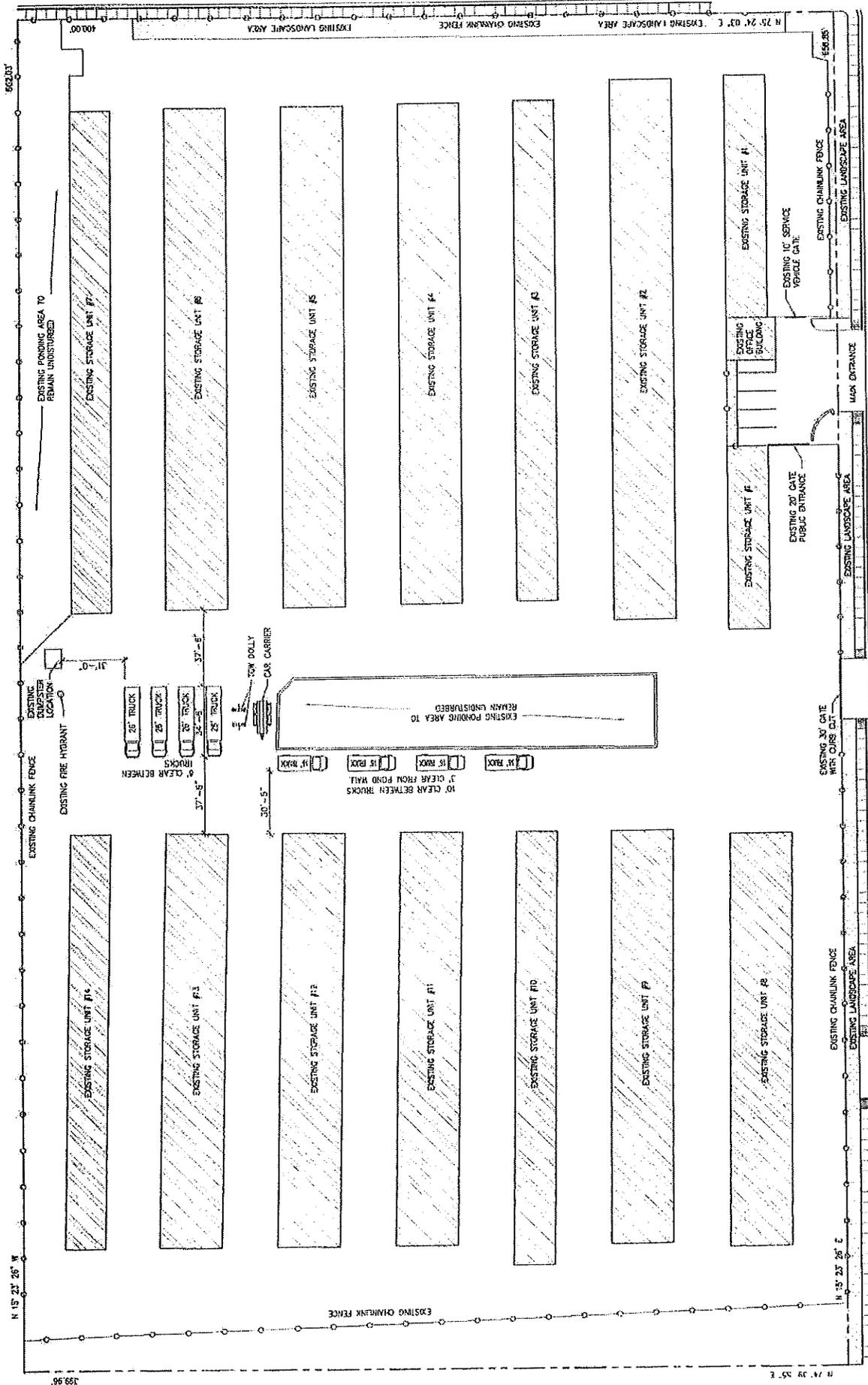
ZONING: M-1/M-2 TO C-3  
OWNER: ANN F STULL

ATTACHMENT #2



Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 520-3222

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SOUTH TRAVIS DRIVE

SITE PLAN SHOWING RENTAL TRUCK PARKING

SCALE 1"=30'

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: LARRY STULL KACZMARCH Nancy Abeyta
Contact Person: Self Self
Contact Phone Number: 575 996-9166 575 644-9431
Contact e-mail Address: larrykaczmar@aol.com STS@wits.com
Web site address (if applicable): StullStorage.com

Proposal Information

Name of Proposal: Las Cruces Truck Rental
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Location of Subject Property 960 S. TRIVIZ DR. Las Cruces NM 88001

(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: 12+ acres, 135846 hand size per acre

Detailed description of current use of property. Include type and number of buildings: Storage unit rentals - 14 Bldgs, 593 units

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

Rental of 12', 16', 22' x 24' Penske moving trucks, plus rental of Tow Dollies and car carriers. Rental contracts would be completed at office already at location. 8-10 Trucks to be stored & rented out at location

Zoning of Subject Property: M1/42

Proposed Zoning (if applicable): C3

Proposed number of lots 2, to be developed in phase (s).

Proposed square footage range of homes to be built from N/A to

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

N/A

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

8-5<sup>30</sup> Mon-Fri, Sat 9<sup>AM</sup>-12<sup>noon</sup> 3-4 on Sat,

Anticipated traffic generation 16-18 trips per day. - 0 on Sunday

Anticipated development schedule: work will commence on or about 7<sup>30</sup> AM

and will take 10 hrs to complete.

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

on lot ponding

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional): none

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? yes

Are there existing buffers on the property? yes - landscaping and existing metal bridge

Is there existing parking on the property? Yes  No

If yes, is it paved? Yes  No

How many spaces? 25-26 How many accessible? all

**Attachments**

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information

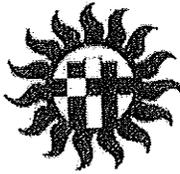
## Comprehensive Plan Elements and Policies

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

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

#### Policies:

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



# City of Las Cruces™

PEOPLE HELPING PEOPLE

**DATE:** May 7, 2014

**TO:** Development Services

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2874 (Review No.1)

**SUBJECT:** 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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

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

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

Please review and return to the Community Development Department no later than [May 14, 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: 5/8/14

REVIEWER NAME: Adam Ochoa

REVIEWER CONTACT NO. 528-3204

May 8, 2014

Z2874 (M-1/M-2 to C-3)

960 S. Triviz Drive

Advanced Planning Comments (Carol McCall)

Conclusions

This is a proposal for a zoning change from M-1/M-2 to C-3. The conversion would allow the use of truck/trailer rentals on the subject property.

The property is in very close proximity to Lohman Avenue and a variety commercial uses and zoning, so the conversion to C-3 would not be out of place. Triviz Drive is an arterial roadway, suitable for regional commercial uses and zoning such as the proposed.

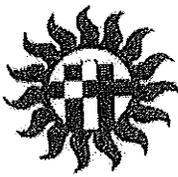
With that, the proposal appears to be sound, and advance planning staff has no objections.

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

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

## Policies:

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



# City of Las Cruces

PEOPLE HELPING PEOPLE

**DATE:** May 7, 2014  
**TO:** MPO  
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2874 (Review No.1)  
**SUBJECT:** 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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

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

Please review and return to the Community Development Department no later than [May 14, 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

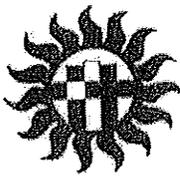
NO

APPROVED WITH CONDITIONS:

DATE: 5/14/14

REVIEWER NAME: Andrew Wray  
REVIEWER CONTACT NO. 3270

*No Comments*



# City of Las Cruces

PEOPLE HELPING PEOPLE

**DATE:** May 7, 2014  
**TO:** Engineering  
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2874 (Review No.1)  
**SUBJECT:** 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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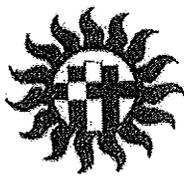
**IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT [krogers@las-cruces.org](mailto:krogers@las-cruces.org).**

APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

DATE: 5/14/14

REVIEWER NAME: Rocio Dominguez  
REVIEWER CONTACT NO. 528-3071



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

**DATE:** May 7, 2014  
**TO:** Land Management  
**FROM:** Adam Ochoa, Planner  
**CASE NO.:** Z2874 (Review No.1)  
**SUBJECT:** 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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

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APPROVED AS IS:  YES  NO

APPROVED WITH CONDITIONS:

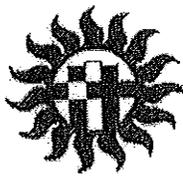
DATE: 5/13/14

REVIEWER NAME: [Signature]  
REVIEWER CONTACT NO. 221-207

# RECEIVED

MAY 09 2014

CITY OF LAS CRUCES  
LAND MANAGEMENT



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

DATE: May 7, 2014

TO: Parks

FROM: Adam Ochoa, Planner

CASE NO.: Z2874 (Review No.1)

SUBJECT: 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE:

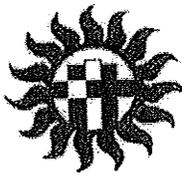
5/8/14

REVIEWER NAME:

REVIEWER CONTACT NO.

*[Handwritten Signature]*

2-9-50



# City of Las Cruces

PEOPLE HELPING PEOPLE

DATE: May 7, 2014

TO: Fire

FROM: Adam Ochoa, Planner

MAY 07 2014

CASE NO.: Z2874 (Review No.1)

SUBJECT: 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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

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APPROVED AS IS:

YES

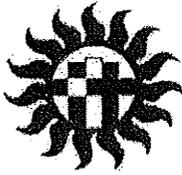
NO

APPROVED WITH CONDITIONS:

DATE: 5/8/14

REVIEWER NAME: [Signature]  
REVIEWER CONTACT NO. X4150

Provide parking site plan for location of vehicles. it appears Trucks would block Driving aisles



# City of Las Cruces®

PEOPLE HELPING PEOPLE

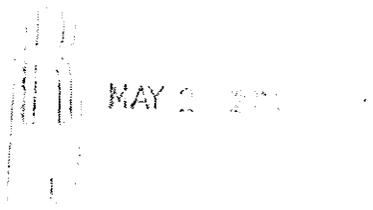
DATE: May 21, 2014

TO: [Redacted]

FROM: Adam Ochoa, Planner

CASE NO.: Z2874 (Review No.2)

SUBJECT: 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3



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

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Please make copies of the review sheet 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 28, 2014].

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

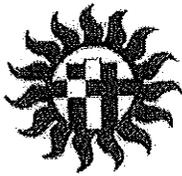
APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

30' clear

DATE: 5/29/14

REVIEWER NAME: MD  
REVIEWER CONTACT NO. x 4150



# City of Las Cruces

PEOPLE HELPING PEOPLE

**DATE:** May 7, 2014

**TO:** Utilities

**FROM:** Adam Ochoa, Planner

**CASE NO.:** Z2874 (Review No.1)

**SUBJECT:** 960 S. Triviz Drive  
Zone change from M-1/M-2 to C-3

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

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Please review and return to the Community Development Department no later than [May 14, 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: 05/13/14

REVIEWER NAME: John Reid  
REVIEWER CONTACT NO. 528-3635

*NO water rights issues - F.O. 5/8/2014*

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

27  
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.

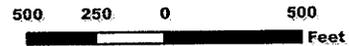
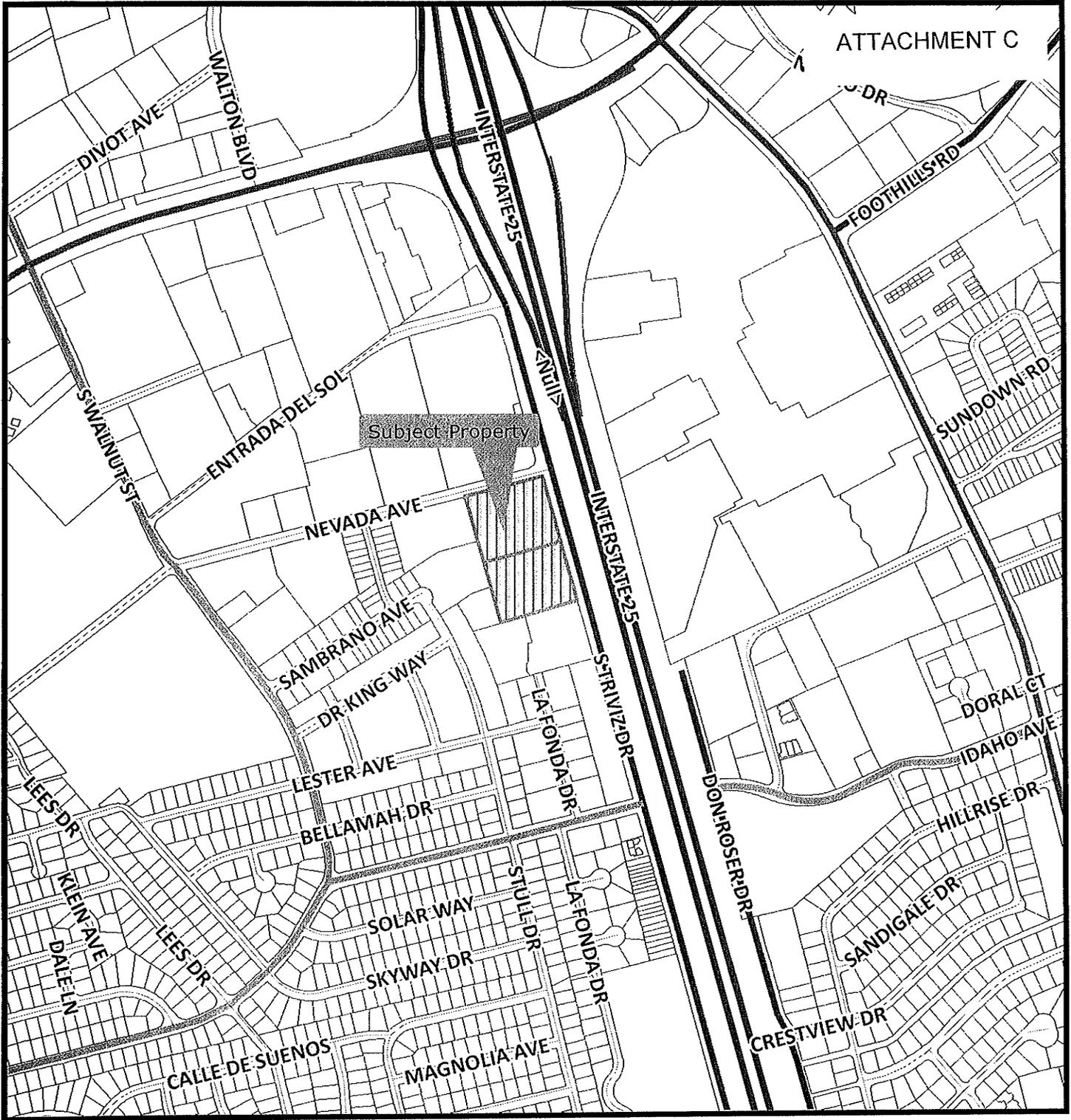
25  
 26 Ochoa: Yes, sir. Thank you Mr. Chairman. Under new business it is item number  
 27 two, case S-13-030W. It's a request for a waiver to road improvements for  
 28 a proposed subdivision known as Gamboa Acres Subdivision. The  
 29 property owner was unable to make tonight's meeting unfortunately 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

ATTACHMENT C



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