



Council Action and Executive Summary

Item # 25 Ordinance/Resolution# 2733

For Meeting of October 20, 2014
(Ordinance First Reading Date)

For Meeting of November 3, 2014
(Adoption Date)

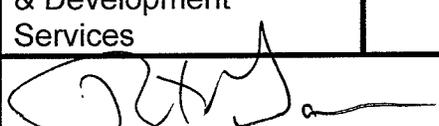
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 0.795 ± ACRES OF LAND LOCATED AT 1311 AVENIDA DE MESILLA. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS, LLC. ON BEHALF OF CENTRAL PARK WEST NY, LLC, PROPERTY OWNERS (Z2880).

PURPOSE(S) OF ACTION:

Zone change.

| | | |
|--|---|----------------------------------|
| COUNCIL DISTRICT: 4 | | |
| <u>Drafter/Staff Contact:</u> Adam Ochoa | <u>Department/Section:</u> Community Development/Building & Development Services | <u>Phone:</u> 528-3204 |
| <u>City Manager Signature:</u> |  | |

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located on the southeast corner of Avenida de Mesilla and Stern Drive within the Avenida de Mesilla Gateway Overlay (ADM). The applicant is seeking to enlarge the subject property by replatting it to encompass a portion of the neighboring lot immediately to the east, which is currently zoned C-3 (Commercial High Intensity). The resultant lot would then be comprised of two zoning districts, C-2 and C-3, and would exceed the C-2 zoning district's maximum lot size requirement of 1 acre. The proposed zone change to C-3 will facilitate compliance for the newly replatted property with the 2001 Zoning Code with the maximum lot size requirement and will create one consistent zoning district for the entire replatted parcel. There is no specific use proposed for the property at this time. The subject property is located on the corner of Avenida de Mesilla, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), and Stern Drive, a designated minor arterial roadway, where high intensity commercial uses and zoning are encouraged. The property is also located in the ADM, an area in the City of Las Cruces that is largely zoned C-3 and almost completely made up of high intensity commercial uses.

On September 23, 2014 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 7-0-0. Very limited discussion took place for the proposed zone change at the meeting and no public input was received. Please see Attachment "B" for details about the September 23, 2014 P&Z meeting.

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 Z2880.
5. Attachment "B", Draft Minutes from the September 23, 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 |
|-----|

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 0.795 ± acres and located at 1311

Avenida de Mesilla will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity).

2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the subject property. 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 2047.

COUNCIL BILL NO. 15-014
ORDINANCE NO. 2733

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 0.795 ± ACRES OF LAND LOCATED AT 1311 AVENIDA DE MESILLA. SUBMITTED BY BORDERLAND ENGINEERS AND SURVEYORS, LLC. ON BEHALF OF CENTRAL PARK WEST NY, LLC, PROPERTY OWNERS (Z2880).

The City Council is informed that:

WHEREAS, Central Park West NY, LLC., the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for the property located at 1311 Avenida de Mesilla; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on September 23, 2014, recommended that said zone change request be approved by a vote of 7-0-0.

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

(I)

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

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this _____ day of _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

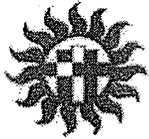
Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

Findings

1. The subject parcel currently encompasses a total of 0.795 ± acres, is zoned C-2 (Commercial Medium Intensity) and is currently vacant/undeveloped.
2. The subject property is being replatted to increase its size and the new lot size will exceed the existing C-2 zoning designation maximum lot size requirement. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-32D)
3. The subject property is located along a principal arterial roadway where high intensity commercial uses and zoning such as the proposed C-3 zoning designation is encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Avenida de Mesilla Gateway Plan and the Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: September 23, 2014
Drafted by: Adam Ochoa, Planner *AO*

CASE # Z2880 **PROJECT NAME:** 1311 Avenida de Mesilla (Zone Change)

**APPLICANT/
REPRESENTATIVE:** Borderland Engineers & Surveyors, LLC **PROPERTY OWNERS:** Central Park West NY, LLC

LOCATION: The southeast corner of Avenida de Mesilla and Stern Drive **COUNCIL DISTRICT:** District 4 (Councillor Small)

SIZE: 0.795 ± acres **EXISTING ZONING/
OVERLAY:** C-2 (Commercial Medium Intensity)

**REQUEST/
APPLICATION TYPE:** Zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)

EXISTING USE: Vacant/Undeveloped

PROPOSED USE: Commercial high intensity use

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

TABLE 1: CASE CHRONOLOGY

| Date | Action |
|--------------------|--|
| August 11, 2014 | Application submitted to Development Services |
| August 15, 2014 | Case sent out for review to all reviewing departments |
| August 26, 2014 | Final comments returned by all reviewing departments |
| August 28, 2014 | Staff reviews and recommends approval of the zone change |
| September 5, 2014 | Public notice letter mailed to neighboring property owners |
| September 7, 2014 | Newspaper advertisement |
| September 8, 2014 | Sign posted on property |
| September 23, 2014 | Planning and Zoning Commission public hearing |

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property is currently zoned C-2 (Commercial Medium Intensity) and encompasses 0.795 ± acres. The applicant seeks to enlarge the property by replatting the subject property to encompass a portion of the neighboring lot immediately to the east, which is zoned C-3 (Commercial High Intensity). The resultant lot would then be comprised of two zoning districts, C-2 and C-3, and would exceed the C-2 zoning district's maximum lot size requirement of 1 acre. The proposed zone change to C-3 (Commercial High Intensity) will allow the subject property to match the zoning designation of the proposed portion of enlargement in order to be in compliance with the 2001 Zoning Code's maximum lot size requirement and will create one consistent zoning district for the entire proposed parcel. There is no specific use currently proposed for the subject property at this time.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

| Standard | Existing | Proposed | Code Req. |
|--|---------------|---------------|--|
| Max # of DU/parcel | N/A | N/A | N/A |
| Max Density (DU/ac.) | N/A | N/A | 40 DU/ac. |
| Lot Area | 0.795 ± acres | 2.049 ± acres | 21,780 sq. ft. (0.50 acres) minimum / No maximum |
| Lot Width | 197 ± feet | 320 ± feet | 60 feet minimum |
| Lot Depth | 186 ± feet | 335 ± feet | 70 feet minimum |
| Structure Height | N/A | Unknown | 60 feet maximum |
| Setbacks | | | |
| Front | N/A | Unknown | 15 feet minimum |
| Secondary Front | N/A | Unknown | 15 feet minimum |
| Side | N/A | Unknown | 5 feet minimum |
| Rear | N/A | Unknown | 15 feet minimum |
| Accessory Structure | N/A | N/A | N/A |
| ROW Dedication | N/A | N/A | N/A |
| Landscaping | | | |
| % of property (less building pad & screened storage) | N/A | N/A | 15% |

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

| Location | Existing Use | Overlay District | Zoning Designation |
|------------------|-------------------------------------|--|-----------------------------------|
| Subject Property | Vacant/undeveloped | Avenida de Mesilla Gateway Overlay (ADM) | C-2 (Commercial Medium Intensity) |
| North | RV/trailer sales | Avenida de Mesilla Gateway Overlay (ADM) | C-3 (Commercial High Intensity) |
| South | Restaurant | Avenida de Mesilla Gateway Overlay (ADM) | C-2 (Commercial Medium Intensity) |
| East | Vacant commercial building/property | N/A | C-3 (Commercial High Intensity) |
| West | Hotel | Avenida de Mesilla Gateway Overlay (ADM) | C-3 (Commercial High Intensity) |

TABLE 5: PARCEL HISTORY

| Number | Status |
|-----------------|--|
| Permit | N/A |
| Ordinance #2047 | Ordinance approving a series of zoning conversions in the Avenida de Mesilla Gateway Overlay including the subject property. |
| Resolution | N/A |

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

| 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 <ul style="list-style-type: none"> • Current drainage and traffic standards are applicable upon permit application. • Depending on site development a traffic study may be warranted. |
| CLC Traffic | Yes | No |
| CLC Parks | Yes | No |
| CLC Land Management | 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;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- L. Ensure the development proposals are sensitive to the character of existing neighborhoods.

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

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

Applicable Comprehensive Plan Elements & Policies

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

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

1. Goal 32, Policy 32.3

Please refer to Attachment #6 for a detailed description of the Comprehensive Plan Policies listed above.

Analysis

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is for a 0.795 ± acre vacant/undeveloped tract of land located at 1311 Avenida de Mesilla within the

Avenida de Mesilla Gateway Overlay (ADM). The applicant is currently seeking to replat the property to add a portion of the adjacent property to increase the size of the subject property. The proposed replat will increase the size of the subject property enough to exceed the maximum lot size requirement of the existing C-2 zoning designation. The proposed zone change to a C-3 zoning designation will facilitate compliance with the 2001 Zoning Code and will give the subject property the same zoning designation of the new portion that is being added through the proposed replat.

The property is located in the Avenida de Mesilla Gateway Overlay, an area that is largely zoned C-3 and almost completely made up of high intensity commercial uses. The proposed zone change will make the subject property compatible with adjacent and nearby properties in terms of zoning. The proposed zone change will also assist in the development of the subject property that has been vacant for several years. The subject property is also located along Avenida de Mesilla, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity uses and zoning are encouraged.

Conclusion

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

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the policies of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed C-3 zoning district is harmonious with and not out of character with the uses and existing 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 0.795 ± acres, is zoned C-2 (Commercial Medium Intensity) and is currently vacant/undeveloped.
2. The subject property is being replatted to increase its size and the new lot size will exceed the existing C-2 zoning designation maximum lot size requirement. The proposed zone change to C-3 would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-32D)
3. The subject property is located along a principal arterial roadway where high intensity commercial uses and zoning such as the proposed C-3 zoning designation is encouraged. (Comprehensive Plan 2040 Sustainable Growth Goal 32, Policy 32.3)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Avenida de Mesilla Gateway Plan and the 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

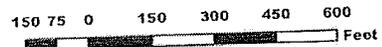
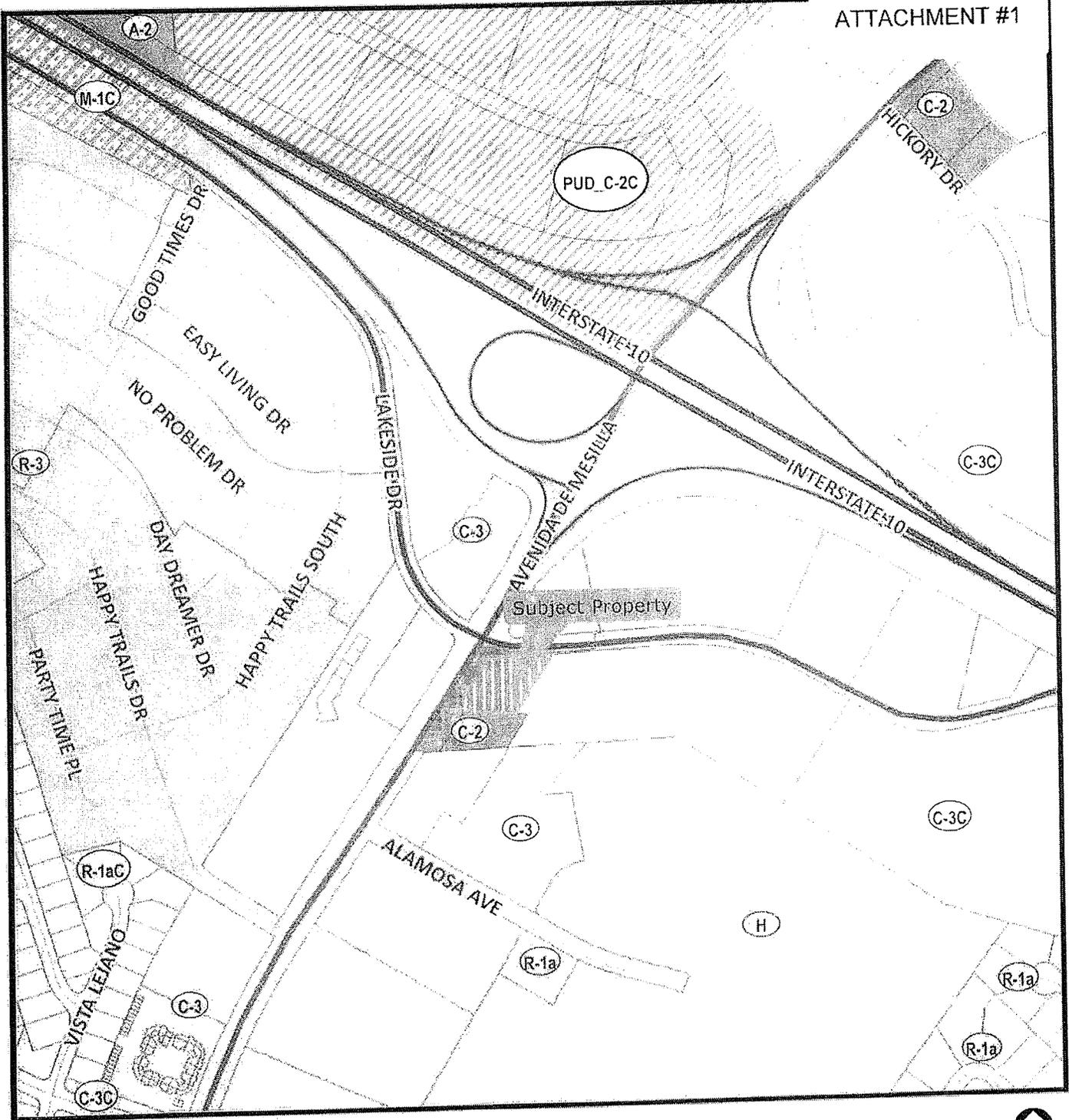
1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plan
4. Proposed Replat

- 5. Development Statement
- 6. Comprehensive Plan Elements and Policies

ZONING: C-2 TO C-3
OWNER: CENTRAL PARK WEST NY LLC

PARCEL: 02-21160
DATE: 08/15/2014

ATTACHMENT #1



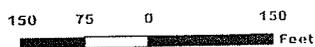
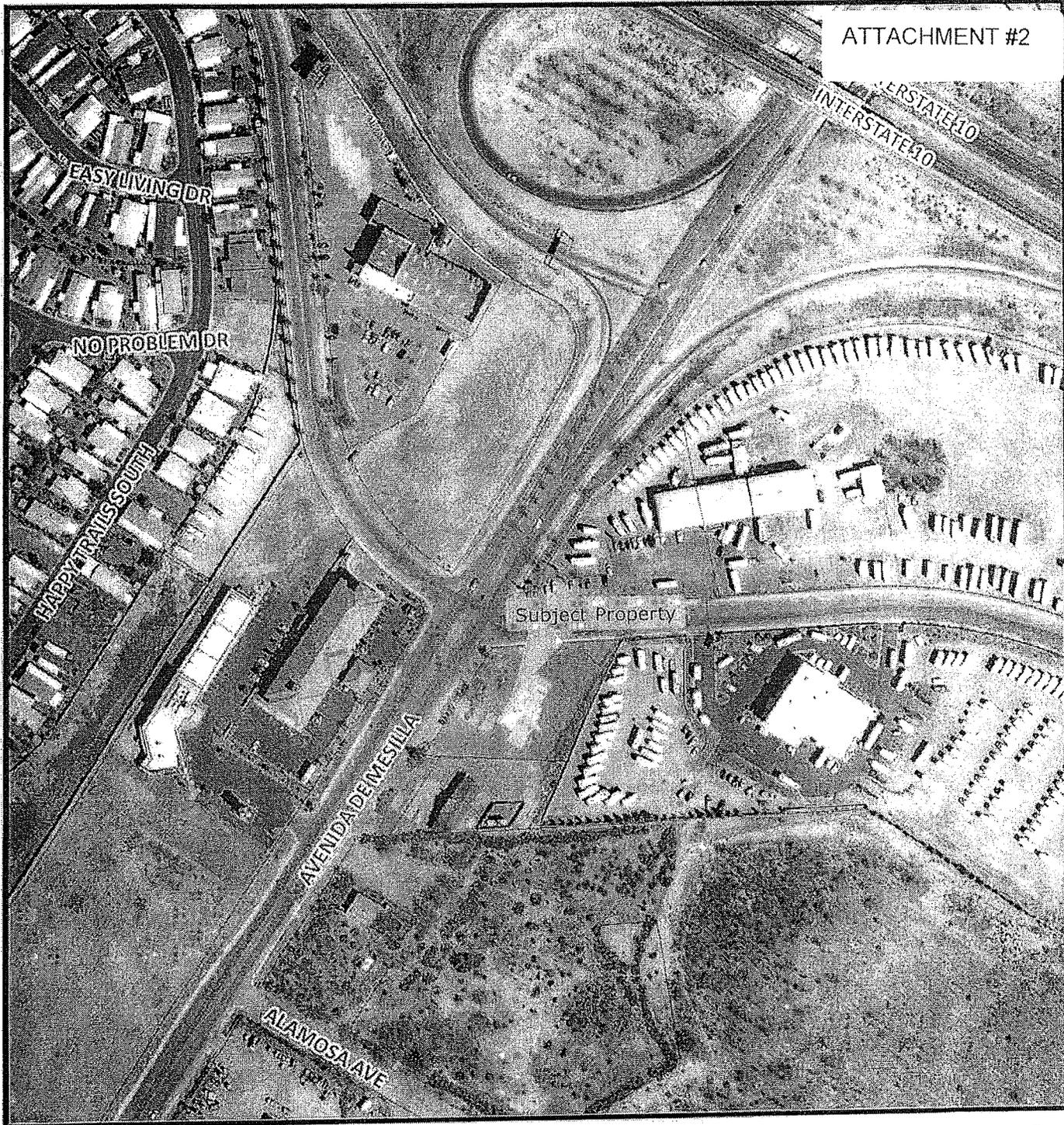
Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

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.

ZONING: C-2 TO C-3
OWNER: CENTRAL PARK WEST NY LLC

PARCEL: 02-21160
DATE: 08/15/2014

ATTACHMENT #2

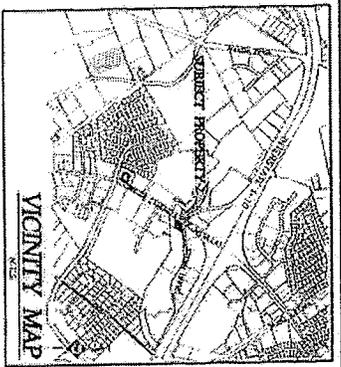
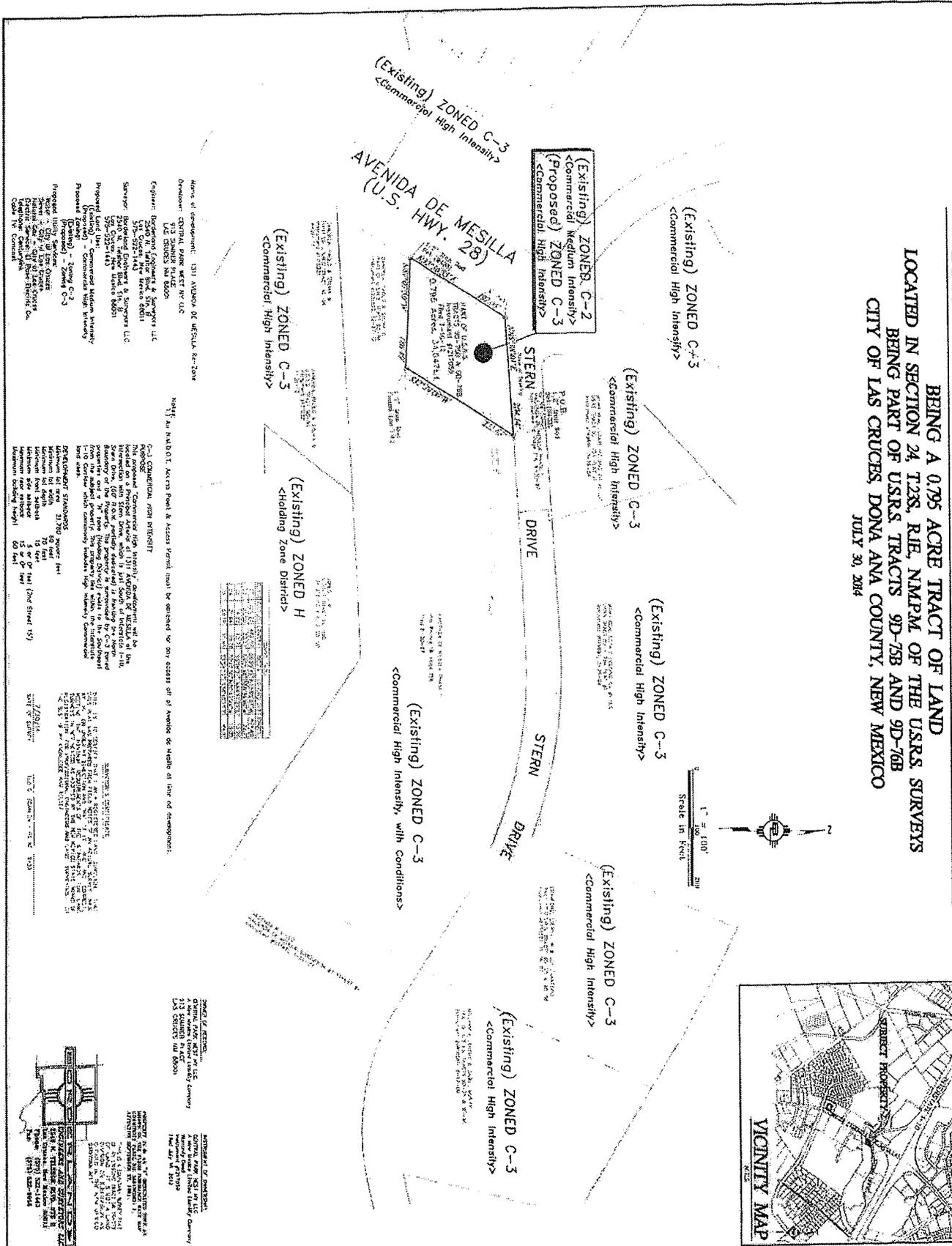


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PROPOSED RE-ZONE FROM C-2 TO C-3

BEING A 0.795 ACRE TRACT OF LAND
LOCATED IN SECTION 24, T23S, R1E, NMPM OF THE U.S.R.S. SURVEYS
BEING PART OF U.S.R.S. TRACTS 9D-75B AND 9D-76B
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
JULY 30, 2014



Map of Amendment: 1311 AVENIDA DE MESILLA 84-204
 Ordinance: 213 ORDINANCE
 City of Las Cruces, New Mexico

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 Ordinance: 213 ORDINANCE
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City of Las Cruces, New Mexico
 Planning and Zoning Department
 1000 N. MEXICO STREET, SUITE 100
 LAS CRUCES, NM 88001
 (505) 325-1443
 www.lascrucesnm.gov

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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: Central Park West LLC
 Contact Person: Chris Sumler
 Contact Phone Number: 575-522-1443
 Contact e-mail Address: _____
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: 1311 Avenida de Mesilla Azzone
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
C-2 to C-3 Azzone - Commercial high Intensity
 Location of Subject Property 1311 Avenida de Mesilla
 (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: 0.795
 Detailed description of **current** use of property. Include type and number of buildings:
Vacant
 Detailed description of **intended** use of property. (Use separate sheet if necessary):
T.B.D.
 Zoning of Subject Property: Current C-2 - proposed C-3
 Proposed Zoning (If applicable): C-3
 Proposed number of lots T.B.D., to be developed in T.B.D. phase (s).
 Proposed square footage range of homes to be built from T.B.D. to T.B.D.

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

T.B.D.

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

T.B.D.

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

Anticipated development schedule: work will commence on or about ASAP and will take ASAP to complete.

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

On-Lot Ponding

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

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

Is there existing landscaping on the property? _____

Are there existing buffers on the property? No

Is there existing parking on the property? Yes ___ No N/A

If yes, is it paved? Yes ___ No ___ N/A

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

Comprehensive Plan Analysis

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

Regional Commercial (C-3):

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.

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 23, 2014 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

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

STAFF PRESENT:

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

CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. Welcome to the Planning and Zoning Commission meeting for September 23rd, 2014. I'll start as we usually do by introducing the Commissioners: starting on my far left; Commissioner Clifton representing District 6. Then next to him our new Member Mr. Harvey Gordon, he is the Mayor's representative. Welcome Mr. Gordon. Then Commissioner Stowe who is also our Vice Chairman. Commissioner Stowe represents District 1. Commissioner Ferrary represents District 5. Commissioner Alvarado, District 3. Commissioner Beard represents District 2, and is also our Secretary. I'm Godfrey Crane, District 4 and I'm the Chairman.

I. CONFLICT OF INTEREST

At the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda.

Crane: We now go on to ask if anyone has a conflict of interest regarding any item on tonight's agenda; there's five items on the consent agenda and two on the regular agenda. I believe Mr. Clifton has a point to make.

- 1
2 Gordon: I vote yes based on findings and discussion.
3
4 Crane: Thank you the matter passes six/zero. Thank you.
5
6 1. **Case Z2880:** Application of Borderland Engineers and Surveyors, LLC on
7 behalf of Central Park West NY, LLC, property owner, for a zone change
8 from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)
9 on a 0.795 ± acre lot located on the southeast corner of Avenida de Mesilla
10 and Stern Drive a.k.a. 1311 Avenida de Mesilla; Parcel ID# 02-21160.
11 Proposed Use: Seeking to replat the subject property with a portion of the
12 adjacent lot for a new commercial development; Council District 4 (Small).
13
14 Crane: We go on to the next item of new business, Z2880, application for a zone
15 change for a property at Avenida de Mesilla and Stern Drive. Sir. Oh yes,
16 we will get back Mr. Clifton. We welcome back Mr. Clifton for this. Mr.
17 Beard is that what you want to say?
18
19 Beard: I was going to recommend to the presenters that when you come to a
20 map, I notice that you have a magnifying glass and we can't read any of
21 the words, see down there at the bottom, on the left? I was wondering
22 when we come to a map if you wouldn't expand that?
23
24 Ochoa: Yes sir. Actually trying to expand the entire thing itself.
25
26 Montana: This is our first time seeing this. We don't know how ... our apologies
27 Commissioners.
28
29 Beard: There is ... there's ... okay it disappeared now.
30
31 Montana: For the record we're asking IT how to open our slide.
32
33 Crane: You have it back.
34
35 Montana: Yeah.
36
37 Crane: This is a technological hiatus. I always wanted to say that.
38
39 Beard: The maps in our presentation on this particular item seem to be quite
40 satisfactory. We don't have to use the screen.
41
42 Crane: Would you like to begin Ms. Montana or is it?
43
44 Montana: Oh it's Adam's case.
45
46 Crane: Ma'am?

1
2 Montana: This is Adam's case so he'll be right back.
3
4 Crane: Mr. Beard feels that our package is adequate for at least this particular
5 presentation so Mr. Ochoa's back and we'll continue.
6
7 Ochoa: Apologies for that wait gentlemen. Adam Ochoa, Development Services
8 for the record. I stand for swearing in.
9
10 Crane: Oh yes, do you swear or affirm that the testimony you are about to give is
11 the truth and nothing but the truth under penalty of law?
12
13 Ochoa: Yes sir I do.
14
15 Crane: Thank you.
16
17 Ochoa: Next case we have tonight gentlemen, ladies and gentlemen is Case
18 Z2880. It is a request for a zone change from C-2 commercial medium
19 intensity to C-3 commercial high intensity for a property located at 1311
20 Avenida de Mesilla. Shown here highlighted in the striped area pointed by
21 the subject property arrow here. Property located here, south of Interstate
22 10 along Avenida de Mesilla and Stern to the right here right on the
23 corner. Looking at the zoning map here as you can see there is the C-2
24 zone property and it's essentially a sea of commercial high intensity
25 zoning all around it, all along Avenida de Mesilla. And of course looking at
26 the aerial here, the vacant property where there was a commercial
27 business at that location but it has been ... since then has been
28 demolished and is now just a pad site essentially on the property.
29 Like I stated before it is located on the southeast corner of Avenida
30 de Mesilla and Stern Drive. And the subject property currently
31 encompasses roughly 0.795 acres. Currently zoned C-2 and the subject
32 property is located within what we call the Avenida de Mesilla Gateway
33 Overlay for the City of Las Cruces which is essentially the gateway if you
34 will for where the City is looking at the design standards and requirements
35 of kind of historical look and feel between, and that gateway between what
36 is the City of Las Cruces and of course the Town of Mesilla to the south.
37 Subject property is currently vacant. The applicants are seeking to
38 enlarge the existing 0.795 acre property by replatting it to encompass a
39 portion of the neighboring eastern property which is currently zoned C-3.
40 The resulting lot would actually be comprised of two zoning designations
41 with the replat; C-2 and C-3. And the new lot would actually exceed the
42 maximum lot size requirement permitted for a C-2 zone property which is
43 one acre. This zone change will facilitate for compliance with the 2001
44 Zoning Code for that development standard for the maximum lot size
45 requirement and will also create just one consistent zoning district for the
46 new lot, all of it being C-3 instead of being C-2/C-3 if you will. There are

1 no current specific uses currently proposed for the subject property at this
 2 time but staff would like to point out since a portion of this lot is within the
 3 Avenida de Mesilla Overlay, the new portion that would be added to it is
 4 not part of it but whatever is developed on this new lot will still need to
 5 follow all design requirements and development requirements of the
 6 Avenida de Mesilla Gateway Overlay.

7 You can see it here on the site plan; a little blurry unfortunately, I
 8 apologize about that. Subject property here. This being the portion of that
 9 eastern lot that would be taken into, with this lot to the east. The new lot
 10 would be over an acre in size, just kind of showing you what's going on
 11 with that.

12 After reviewing the proposed zone change staff does recommend
 13 approval without conditions for the proposed zone change based on the
 14 findings presented in your staff reports. The Planning and Zoning
 15 Commission is the recommending body to City Council for all zone change
 16 cases. With that Council ... Commissioners your options tonight is: 1) to
 17 vote "yes" to approve the proposed zone change as recommended by
 18 staff for Case Z2880; 2) to vote "yes" to approve the request with
 19 conditions deemed appropriate by the Commission; 3) to vote "no" and
 20 deny the request or; 4) table and postpone and direct staff accordingly.
 21 Just for the record staff did not receive any public input for the proposed
 22 zone change, no issues. One gentleman just called wondering what was
 23 going on and was in support of that zone change since everything as he
 24 stated, everything around there is already zoned C-3, so it's definitely not
 25 out of character with that existing area. The applicant is here and his
 26 representative is here too, to answer any questions as well if you have
 27 anything for them. And I stand for questions.

28
 29 Crane: Thank you Mr. Ochoa. Commissioners any questions? Mr. Clifton.

30
 31 Clifton: Mr. Chair, Adam would it be safe to say this is in essence a clean up to
 32 bring the property in compliance to the 2001 Zoning Code as Amended?

33
 34 Ochoa: Mr. Chairman, Commissioner Clifton, that's essentially correct. When ...
 35 the replat is what's triggering this property to come into compliance if you
 36 will when it's newly replatted. The City frowns upon slash zoning so C-
 37 2/C-3 is definitely not something we would like on the property and then it
 38 ... it would essentially clean up the property with the replatting of it as well.
 39 That is correct. So it is a clean up.

40
 41 Clifton: Okay. Thank you.

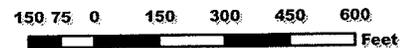
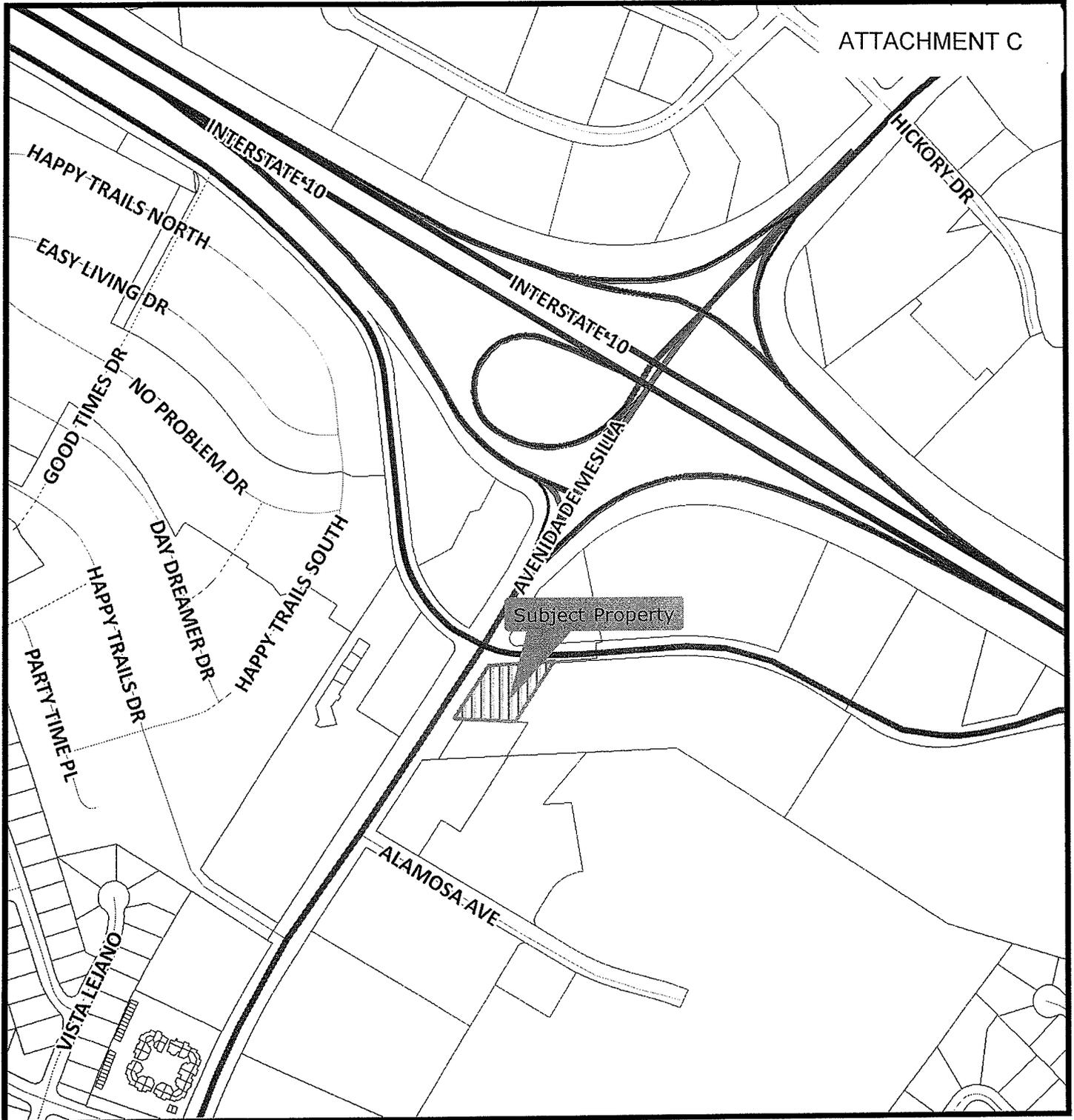
42
 43 Crane: Any other Commissioner? Thank you Mr. Ochoa. The applicant's
 44 representative wish to speak to us.

45

- 1 Scanlon: Thank you Mr. Chair, Members of the Commission. My name is Ted
2 Scanlon, 2540 N. Telshor in Las Cruces.
3
- 4 Crane: Do you swear or affirm Mr. Scanlon that the testimony you are about to
5 give is the truth and nothing but the truth under penalty of law?
6
- 7 Scanlon: I do.
8
- 9 Crane: Thank you sir, please go on.
10
- 11 Scanlon: Thank you. I don't really have anything to add to Mr. Ochoa's very
12 succinct presentation and ... but I would answer any questions you might
13 have.
14
- 15 Crane: Thank you. Commissioners, any questions for Mr. Scanlon? It seems
16 not. Thank you sir.
17
- 18 Scanlon: Thank you.
19
- 20 Crane: Members of the public? Anybody wish to address this issue? All right in
21 that case we'll close it to further discussion. Commissioners we have
22 before us Case 2880 the change of zoning on the property at Avenida de
23 Mesilla and Stern Drive. Can I have a motion that we ... Mr. Clifton your
24 light's lit.
25
- 26 Clifton: I make a motion the Commission approve, recommend for approval Case
27 Z2880, a zone change from C-2 to C-3.
28
- 29 Crane: Thank you Mr. Clifton. And Ms. Ferrary were you going to second?
30
- 31 Ferrary: Yes, I would like to second.
32
- 33 Crane: All right. Any discussion Commissioners? In that case let's proceed with
34 a roll call. We'll start with Mr. Clifton this time.
35
- 36 Clifton: Aye based on findings, particularly compliance with the 2001 Zoning Code
37 as Amended as referenced in the findings for approval.
38
- 39 Crane: Okay. Commissioner Gordon.
40
- 41 Gordon: I vote yes based on a site visit and findings.
42
- 43 Crane: Commissioner Stowe.
44
- 45 Stowe: I vote yes based on discussions and findings.
46

- 1 Crane: Commissioner Ferrary.
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 3 Ferrary: I vote aye based on findings, discussion, and site visit.
 4
 5 Crane: Commissioner Alvarado.
 6
 7 Alvarado: I vote aye based on discussion, findings, and site visit.
 8
 9 Crane: Commissioner Beard.
 10
 11 Beard: I vote yes based on site visit, discussions, and ...
 12
 13 Crane: What is it? Findings.
 14
 15 Beard: Findings.
 16
 17 Crane: You're no better than I am. And the Chair votes aye based on findings,
 18 discussion, and site visit. Thank you all.
 19
 20 2. **Case IDP-14-07:** Application of Gabriel Ortiz on behalf of George Ortiz,
 21 property owner, for an Infill Development Proposal. The proposal would
 22 allow the construction of a single-family dwelling unit (with consideration for
 23 the possible construction of additional dwelling units on the property in the
 24 future) on a 0.14-acre tract. The property is zoned R-4 (Multi-Dwelling High
 25 Density), which otherwise would not allow such a unit. It is addressed as 821
 26 Fir Avenue. Parcel ID# 02-05078; Councillor District 1 (Councillor Silva).
 27
 28 Crane: We'll proceed to our last Case IDP-14-07, which concerns a proposal for
 29 an Infill Development at 821 Fir Avenue. Mr. Ochoa is going to address
 30 this I think. No, oh yes, Mr. ... I'm sorry.
 31
 32 Ochoa: Mr. Guza.
 33
 34 Crane: Your name is on, there it is, right, Mr. Guza. Yes. Thank you. Please go
 35 on. Oh I have to swear you in. Mr. Guza do you swear or affirm that the
 36 testimony you are about to give is the truth and nothing but the truth under
 37 penalty of law?
 38
 39 Guza: I do.
 40
 41 Crane: Thank you. Please go on.
 42
 43 Guza: Actually Chairman the applicant had a mix up with the day and he was
 44 trying to send a representative to represent him this evening, that's why I
 45 was out in the lobby trying to contact a representative and it does appear
 46 they did not make it here right now, so we may need to ask for a tabling or

ATTACHMENT C



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.