

147
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 2731

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

For Meeting of November 3, 2014
 (Adoption Date)

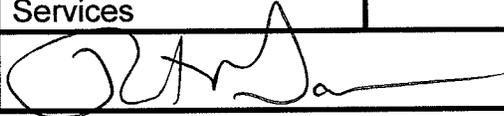
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURE) TO M1/M2 (INDUSTRIAL STANDARD) DESIGNATION FOR A 34.6 ACRE SITE CONSISTING OF PARCELS 02-02576 AND 02-00506 LOCATED AT 2035 W. AMADOR AVENUE. SUBMITTED BY THE PROPERTY OWNER, TRINITY PROPERTIES, LLC/THREE SAINTS, LLC. (Z2878)

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 4		
Drafter/Staff Contact: Susana Montana, Planner	Department/Section: Community Development/Building and Development Services	Phone: 528-3207
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The two parcels are designated A-2 (Rural Agriculture) which is a zoning designation from the 1981 Zoning Code, which makes the property non-conforming. The properties were rezoned in 1990 from M-2 (Heavy Manufacturing) designation to the A-2 designation because the land was in agricultural production (Ordinance No. 1194). The properties have not been in agricultural use for the past three years. The owner seeks to rezone the properties to M1/M2 (Industrial Standard) designation to facilitate the sale of the land to the El Paso Electric Company which wishes to develop a light industrial complex on the property which would include a warehouse for materials, supplies and employee work areas; a truck repair and service facility; and outdoor storage of fleet vehicles.

On September 23, 2014, the Planning and Zoning Commission considered the rezoning request at a duly-noticed public hearing. A member of the Burn Lake Park Master Plan Advisory Committee suggested that the applicant plant trees and shrubs along the Burn Lake Road perimeter of the property in order to screen the industrial development and to enhance the entry experience of park users. Staff indicated that if the rezoning were approved by the City Council staff would review the landscape plan of any development of the site to satisfy this suggestion.

The Commission suggested that the City negotiate with the developer to fully landscape two of the 4 and 1/2 medians within Amador Avenue which front the property instead of landscaping only the southern half of each of them as it appeared that the properties on the north side of Amador Avenue in this area are fully developed. After considering the staff report, staff presentation, applicant's presentation and public comment, the Commission voted 6 to 0 (one Commissioner recused himself) to recommend approval of the rezoning to the City Council.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Rezoning Site Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission.
5. Attachment "B", Draft Minutes from the September 23, 2014 Planning and Zoning Commission meeting.

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's recommendation for approval of the rezoning Ordinance. The subject 34.6 acre property would be rezoned from A-2 to M1/M2.
2. Vote "No"; this will reverse the recommendation by the Planning and Zoning Commission for approval of the rezoning Ordinance. The current A-2 zoning for the 34.6 acre property would remain.
3. Vote to "Amend"; this will allow the City Council to modify the Ordinance by placing a condition or limitation to the rezoning Ordinance.
4. Vote to "Table"; this will allow the City Council to table/postpone action on 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 No. 1194

COUNCIL BILL NO. 15-012
ORDINANCE NO. 2731

AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURE) TO M1/M2 (INDUSTRIAL STANDARD) DESIGNATION FOR A 34.6 ACRE SITE CONSISTING OF PARCELS 02-02576 AND 02-00506 LOCATED AT 2035 W. AMADOR AVENUE. SUBMITTED BY THE PROPERTY OWNER, TRINITY PROPERTIES, LLC/THREE SAINTS, LLC. (Z2878)

The City Council is informed that:

WHEREAS, the property owner seeks to rezone the 34.6 acre subject property consisting of Parcels 02-02576 and 02-00506 located at 2035 W. Amador Avenue from the A-2 (Rural Agriculture) designation to an M1/M2 (Industrial Standard) designation; and

WHEREAS, the Planning and Zoning Commission, after conducting a duly-noticed public hearing on September 23, 2014, recommended that said zone change request be approved by a 6 to 0 vote (one Commissioner recused himself).

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

(I)

THAT the 34.6 acre property consisting of Parcels 02-05276 and 02-00506, more particularly shown in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned M1/M2 (Industrial Standard).

(II)

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

(III)

THAT the zoning of said property shall 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 _____ 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

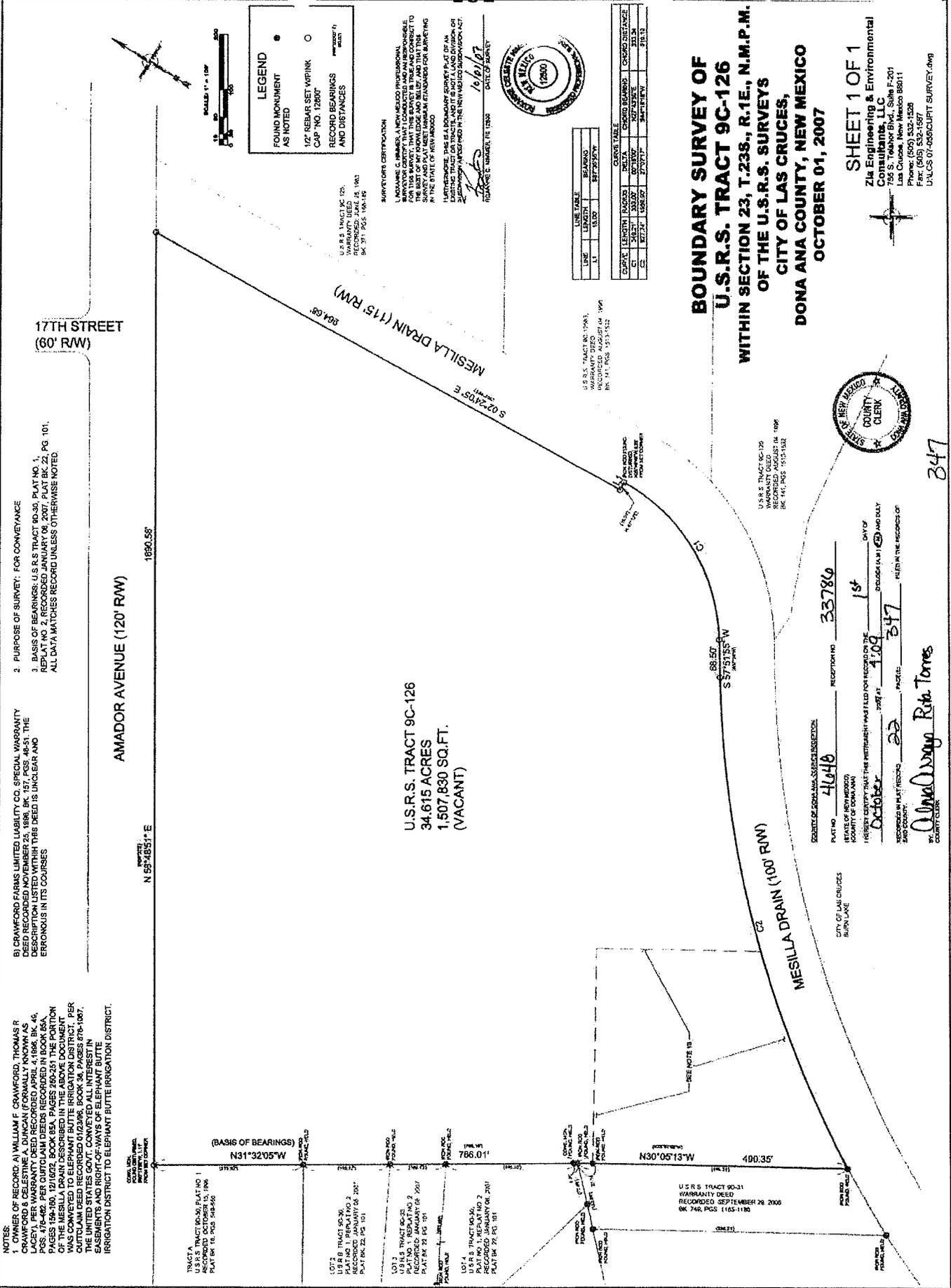
Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:


City Attorney



2. PURPOSE OF SURVEY: FOR CONVEYANCE
 3. BASIS OF BEARINGS: U.S.R.S. TRACT 9C-30, PLAT NO. 1, REPLAT NO. 2, RECORDED JANUARY 08, 2007, PLAT BK. 22, PG. 101. ALL DATA MATCHES RECORD UNLESS OTHERWISE NOTED.

B) CRAWFORD CLAIMS LIMITED LIABILITY CO. SPECIAL WARRANTY DEED RECORDED NOVEMBER 25, 1984, BK. 15, PGS. 44-52. THE DESCRIPTION LISTED WITHIN THIS DEED IS UNCLEAR AND ERRONEOUS IN ITS COURSES

NOTES:
 NUMBER OF RECORD: A) WILLIAM F. CRAWFORD, THOMAS F. CRAWFORD & CELESTINE A. DUNCAN (FORMALLY KNOWN AS LACEY), PER WARRANTY DEED RECORDED APRIL 4, 1984, BK. 44, PGS. 479-482. PER OUTCLAIM DEEDS RECORDED IN BOOK 85A, PAGES 159-160, 121-122. BOOK 85A, PAGES 280-281. THE PORTION OF MESILLA DRAIN (100' RW) BUTTE IRRIGATION DISTRICT CLAIMED BY ELEPHANT BUTTE IRRIGATION DISTRICT PER OUTCLAIM DEED RECORDED 01/23/98, BOOK 34, PAGES 270-1207. THE UNITED STATES GOVT. CONVEYED ALL INTEREST IN EASEMENTS AND RIGHT-OF-WAYS OF ELEPHANT BUTTE IRRIGATION DISTRICT TO ELEPHANT BUTTE IRRIGATION DISTRICT.

AMADOR AVENUE (120' RW)

17TH STREET (60' RW)

MESILLA DRAIN (15' RW)

U.S.R.S. TRACT 9C-126
 34.615 ACRES
 1,507,890 SQ.FT.
 (VACANT)

LEGEND

- FOUND MONUMENT AS NOTED
- 1/2" REBAR SET W/PINK CAP-NO. 12800
- RECORD BEARINGS AND DISTANCES
- RECORDED TO SHEET

U.S.S. MESSILA CO. WARRANTY DEED RECORDED JAN. 25, 1983 BK. 371 PGS. 156-159

MARKETPLACE CERTIFICATION

IN WITNESS WHEREOF, I, THE SURVEYOR, HAVE SET THESE MARKS AND PLAYS THESE BEARINGS AND DISTANCES IN THE STATE OF NEW MEXICO. FURTHERMORE, THIS IS A BOUNDARY SURVEY PLAT OF AN UNDIVIDED TRACT OF LAND AS SHOWN ON THE MAP AND PLAT THEREON RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DONA ANA, NEW MEXICO.



LINE TABLE

LINE	LENGTH	BEARING
1-2	11.527	S72°20'30\"/>

CURVE TABLE

CHORD LENGTH	CHORD BEARING	CHORD DISTANCE
CT 1	302.571	S72°20'30\"/>
CT 2	1021.24	S59°52'27\"/>

U.S.S. TRACT 9C-126, WARRANTY DEED RECORDED AUGUST 14, 1994 BK. 141, PGS. 913-912

U.S.S. TRACT 9C-126, WARRANTY DEED RECORDED AUGUST 14, 1994 BK. 141, PGS. 913-912

U.S.S. TRACT 9C-126, WARRANTY DEED RECORDED AUGUST 14, 1994 BK. 141, PGS. 913-912

**BOUNDARY SURVEY OF
 U.S.R.S. TRACT 9C-126
 WITHIN SECTION 23, T.23S., R.1E., N.M.P.M.
 OF THE U.S.R.S. SURVEYS,
 CITY OF LAS CRUCES,
 DONA ANA COUNTY, NEW MEXICO
 OCTOBER 01, 2007**



SHEET 1 OF 1
 Zia Engineering & Environmental
 Consultants, LLC
 755 S. Teller Blvd., Suite F-201
 Las Cruces, New Mexico 88011
 Phone: (505) 333-3326
 Fax: (505) 333-3327
 URL: USLS-07-005-CURT SURVEY.dwg

PLAT NO. 46410 RECEPTION NO. 33780 DAY OF 1st
 STATE OF NEW MEXICO COUNTY OF DONA ANA
 I HEREBY CERTIFY THAT THE INSTRUMENT FILED FOR RECORD BY ME ON October 23 2007, IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT FILED IN THE RECORDS OF SAID COUNTY.

Rita Torres
 COUNTY CLERK

347

Exhibit "B"**Case No. Z2878 Findings for Approval**

1. The subject property was zoned industrial (M-2, Heavy Manufacturing) prior to its 1990 rezoning (Ordinance 1194) to the current A-2, Rural Agriculture designation. The current 2001 Zoning Code, as amended, does not have a rural agriculture zoning designation. Rezoning the vacant agricultural property to M1/M2 would bring the property into conformity with the 2001 Zoning Code and would bring the property into conformity and consistency with adjacent and nearby industrial properties.
2. The proposed light industrial development would be consistent with the manufacturing and light industrial developments within the neighborhood. The closest residential development is located more than a quarter mile southeast of the Site. There are industrial lands between the Site and the single-family homes on Brown Drive. Therefore, light industrial development of the Site is not expected to generate adverse noise, fumes, dust or traffic impacts to that residential neighborhood.
3. The proposed land use and development, with proper design, would positively address relevant Zoning Code Purpose and Intent Statements, Planning and Zoning Commission Criteria for Decisions, relevant Comprehensive Plan policies, and relevant Case Law Rezoning Criteria Considerations.



**Planning & Zoning
Commission
Staff Report**

Meeting Date: September 23, 2014
Drafted by: Susana Montana, Planner *sm*

CASE # Z2878 **PROJECT NAME:** 2035 W. Amador Avenue

APPLICANT/ REPRESENTATIVE: Michael Johnson, representative **PROPERTY OWNER:** Trinity Properties, LLC/ Three Saints, LLC

LOCATION: 2035 W. Amador Avenue (Parcels 02-02576 and 02-00506) **COUNCIL DISTRICT:** 4 (Small)

SIZE: 34.62 acres **EXISTING ZONING/ OVERLAY:** A-2, Rural Agriculture (1981 Zoning designation)

REQUEST/ APPLICATION TYPE: Request to rezone the property from A-2 , Rural Agricultural designation, to the 2001 M1/M2, Industrial Standard designation.

EXISTING USE(S): Abandoned agricultural land.

PROPOSED USE(S): Development of a utility warehouse, fleet repair facility and fleet storage yard.

STAFF RECOMMENDATION: Approval based on the findings noted in Section 3 below.

TABLE 1: CASE CHRONOLOGY

Date	Action
7/25/2014	Application submitted to Development Services
7/28/2014	Case sent out for review to all reviewing departments
8/5/2014	All comments returned by all reviewing departments
8/26/2014	Staff reviews and recommends approval of the zone change
9/7/2014	Newspaper advertisement
9/8/2014	Public notice letter mailed to neighboring property owners
9/8/2014	Sign posted on property
9/23/2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The Applicant seeks to sell the subject property to the El Paso Electric Company (EPEC) for light industrial uses including a warehouse, a fleet repair service facility, fleet vehicle storage, and an operations facility (see Attachment 4). The current zoning designation is A-2, Rural Agricultural District, which is a remnant from the 1981 City Zoning Code and which was appropriate for the property when it was in active agricultural use. The land has not been cultivated in over 3 years and the current owners have no intention of cultivating the land. The current non-conforming A-2 zoning designation does not allow the light industrial uses proposed by EPEC. The proposed M1/M2 designation would allow uses proposed by EPEC and would bring the property into compliance with current zoning regulations.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing Site Characteristics	Existing A-2 Zoning Requirement	Proposed M1/M2 Zoning Requirement
Max # of DU/parcel	None	1	40 dwelling units per acre per Sec. 38-32 and 38-33A of the 2001 Zoning Code.
Max Density (DU/ac.)	N/A	N/A	
Min. Lot Area	02-02576= 33.12 ac; 02-00506= 1.5 ac; Total 34.62 ac	10 acres	15,000 sf
Min. Lot Width	02-02576=1,696'; 02-00506= 364'	120'	60'
Min. Lot Depth	02-02576= varies from 863' to 1,047'; 02-00506= varies from 190' to 384'	200'	70'
Max. Structure Height	No structure	35'	60'
Minimum Setbacks			
Front	N/A	50'	15'
Secondary Front	N/A	15'	15'
Side	N/A	20'	20' or 0'
Rear	N/A	50'	15' or 0'
Parking			
Vehicular	None	N/A for ag. use	1 space per 1,000 gross floor area of this use and a maximum of 1 per 600 GFA
Bicycle	None	N/A	N/A
Landscaping			
% of total (less building pad & screened storage)	N/A	N/A for ag. use	15%
Total square feet of landscaping	N/A	N/A	To be determined
Bufferyard	N/A	N/A for ag. use	Not required because surrounding land is zoned industrial, A-2 ag. or PUD

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID facilities	Yes	Abuts the Mesilla Drain lateral on its eastern and southern boundaries along Burn Lake Road.
Medians/ parkways landscaping	Yes	Medians exist on Amador Avenue frontage which are not landscaped.

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Fallow agricultural land	None	A-2, Rural Agricultural (1981 Zoning Code designation)
North	Mixture of office, vehicle repair, retail, contractors' buildings and yards, vacant parcels	None	Office is zoned M1/M2, Industrial Standard; Vehicle repair is zoned C-2C/M1/M2, Industrial Standard with limited sale of vehicles repaired on the premises; Retail feed store is zoned C-3, Commercial High Intensity; Contractors' yards are zoned M1/M2; and Vacant parcels are zoned M1/M2
South	Southeast: vacant land; South and southwest: Burn Lake and park land	None	Southeast: Villa Amador PUD (residential); South and southwest: A-2, Rural Agriculture (1981 designation)
East	Industrial (pecan processing plant with outdoor storage yard)	None	M1/M2, Industrial Standard
West	Various contractors' buildings	None	M1/M2, Industrial Standard

TABLE 5: PARCEL LAND USE HISTORY

Number	Status
Flood Zone	The property lies within the FEMA Flood Hazard Zone AE.
Ordinance	Ordinance No. 1194 in 1990 which rezoned the subject property and Burn Lake area from M-2, Industrial to the A-2, Rural Agricultural designation.

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, although, upon development, inclusion of a generous landscaped buffer zone along Amador Avenue and Burn Lake Road is encouraged.
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	Yes, upon development of site (see Attachment 5)
CLC Traffic	Yes	Yes, upon development of site (see Attachment 5)
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC PW Landscaping	Yes	Yes. Upon development of the property the owner must landscape one-half of each of the 4 medians lying along the frontage of the property.
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	Yes, see Attachment 5.
Elephant Butte Irrigation District (EBID)	Yes	Yes, principal ingress and egress from Burn Lake Drive/Mesilla Drain Lateral would not be allowed.

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.

Relevant Zoning Code Purpose and Intent Statements [Article I, Section 38-2.]

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:

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements, which are designed to:
 - Mitigate congestion in the streets and public ways.
 - Prevent overcrowding of land.
 - Avoid undue concentration of population.
 - Control and abate the unsightly use of buildings or land.
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
- Ensure that development proposals are sensitive to the character of existing neighborhoods.
- Conserve the value of buildings and land.
- Mitigate conflicts among neighbors.

Case Law Rezoning Criteria Considerations

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 zone 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 City master plan, even though (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:

Industrial zoning

Policy 34.2 Standard industrial uses shall be defined as those industrial uses which generate fabricating, manufacturing, packaging, and processing activities, provided such uses can be operated in a relatively clean, quiet and safe manner with minimal impacts to the surrounding environment. Standard industrial uses and parks shall be established according to the following criteria:

- a. Standard industrial uses shall have direct access to, or shall be located on, collector and arterial streets.
- b. The City shall pursue multi-modal access standards of auto, bicycle, pedestrian, and transit where available for standard industrial uses and centers.
- c. Standard industrial development shall address the following urban design criteria of compatibility in terms of architectural design, height/density, and the provision of landscaping

for site screening, parking and loading areas.

The City shall encourage the development of standard industrial parks to allow for minimal traffic and encroachment-related conflicts to adjacent uses.

- d. The City shall encourage the development of standard industrial uses and parks in the 17th Street, West Mesa Industrial Park, and East Mesa areas.

Policy 34.4 Vehicular access to industrial and manufacturing areas through residential neighborhoods shall be prohibited.

Policy 34.5 Sufficient on-site parking shall be required for all industrial uses.

Policy 49.7 Require zoning actions be in general conformance with this Comprehensive Plan.

Agriculture

Policy 3.2 Encourage the preservation of agricultural pockets and create standards that support urban agriculture in the developed area of the city that contributes to the city's unique urban/rural character.

Policy 3.6 Encourage small agricultural parcels within the urbanized area of the city as a means to provide open space, buffers between incompatible uses, community gardens, and/or options to offer locally-grown products directly from the source to residents and businesses.

Policy 29.1 Encourage agricultural producing properties to be maintained in large parcels or tracts to keep production at a premium.

Analysis:

In 1990, the property was rezoned from an industrial zoning designation (M-2, Heavy Manufacturing) to the current A-2, Rural Agricultural designation. The Ordinance did not include a rationale for the rezoning nor did it reference a case number for a staff report which would explain why the property was rezoned. The current owner states that the property has not been in agricultural cultivation for about three years. The owner now wishes to sell the property and an interested buyer is the El Paso Electric Company who seeks to develop an operations facility which would include a warehouse building, a fleet repair building, outdoor storage of fleet vehicles and a building to house equipment, supplies, employee work areas and training and meeting rooms.

The property lies within an industrial area of the City. Although the Villa Amador mixed industrial/single-family home Planned Unit Development (PUD) property lies southeast of the Site, only a warehouse exists; the residential portion of that PUD is undeveloped. The closest residential use to the subject property is located approximately a quarter mile to the southeast along Brown Road.

The current A-2 zoning designation was used in the 1981 Zoning Code and was phased out with the adoption of the 2001 Zoning Code making the parcel's zoning non-conforming. The current 2001 Zoning Code does not have a rural agriculture zoning designation. Should El Paso Electric purchase the property for use as an operations center, the M1/M2 zoning designation would bring the property into compliance with the current Zoning Code and would allow those proposed light industrial uses.

As a principal arterial, Amador Avenue is an appropriate roadway for industrial development and the surrounding properties are predominantly a mixture of industrial and commercial uses so this zone change at this location would not be incongruent. A Traffic Impact Analysis may be required upon development of the property to insure that the location and size of driveways would safely accommodate turning movements for large trucks in and out of the Site. The construction drawings for any new development would address these concerns.

There are four and a half existing medians located in Amador Avenue. These medians are not landscaped. Section 32-281(b).1 of the City's Design Standards requires all new development to

landscape adjacent medians and parkways and to maintain that landscaping. Upon development, the owner of the subject property would be required to install landscaping and its irrigation systems for each of the medians that abut the property. The owner is responsible for landscaping and maintaining only the southern half of the median that abuts his property. The other half would be landscaped and maintained by the owner of the northern properties when those properties are re-developed.

Fire Station Number 3 is located two miles from the subject property and can adequately serve the proposed industrial use. However, the City has the first right of refusal for water rights for the subject property. Securing water rights for the property would be a prerequisite for its future development.

Since the property lies within a special flood hazard zone (Zone AE), development would require mitigation of this potential hazard and a letter of flood zone map revision must be provided to FEMA. A drainage report would be required upon development to assure on-site mitigation of stormwater drainage.

The Elephant Butte Irrigation District (EBID) owns the Mesilla Drain lateral that lies under Burn Lake Road abutting the Site on the east and south sides. There is an existing lateral culvert and vehicle crossing of the lateral from Burn Lake Road. However, the District's Engineer has commented that ingress and egress from this vehicle crossing of the Mesilla Drain lateral along Burn Lake Road would not be appropriate for heavy trucks as damage to the culvert could occur. The District Engineer states that truck traffic should enter and exit the Site from Amador Avenue.

The City's 29 acre Burn Lake Park property is zoned A-2 and lies immediately south of the subject property and is in both active (ball fields and play equipment) and passive (the lake) recreational use.

As noted above in the "Agriculture" policies of the City's Comprehensive Plan, the City encourages pockets of urban agriculture as a way to preserve and continue our identity as an agricultural center for the region and as a way to provide open space, buffers between incompatible uses, and opportunities for community gardens. Immediately east of the subject property is a large pecan processing plant which is an industrial land use that reinforces the City's agricultural heritage.

Conclusion:

The location of the approximately 35 acre Site is well suited for industrial use. The adjacent and nearby properties are in light industrial and manufacturing use with a sprinkling of retail and business service uses. The loss of urban agriculture within the City contradicts City Comprehensive Plan policies that seek to preserve those land uses. However, proper design of the proposed light industrial development should include landscaped buffer zones and screens along the Amador Avenue and Burn Lake Road frontage which could mitigate this loss of agricultural land.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project based on the following findings:

FINDINGS FOR APPROVAL

1. The subject property was zoned industrial (M-2, Heavy Manufacturing) prior to its 1990 rezoning (Ordinance 1194) to the current A-2, Rural Agriculture designation. The current 2001 Zoning Code, as amended, does not have a rural agriculture zoning designation. Rezoning the vacant agricultural property to M1/M2 would bring the property into conformity with the 2001 Zoning Code and would bring the property into conformity and consistency with adjacent and nearby industrial properties.
2. The proposed light industrial development would be consistent with the manufacturing and light industrial developments within the neighborhood. The closest residential development is located more than a quarter mile southeast of the Site. There are industrial lands between the Site and

the single-family homes on Brown Drive. Therefore, light industrial development of the Site is not expected to generate adverse noise, fumes, dust or traffic impacts to that residential neighborhood.

3. The proposed land use and development, with proper design, would positively address relevant Zoning Code Purpose and Intent Statements, Planning and Zoning Commission Criteria for Decisions, relevant Comprehensive Plan policies, and relevant Case Law Rezoning Criteria Considerations.

ATTACHMENTS

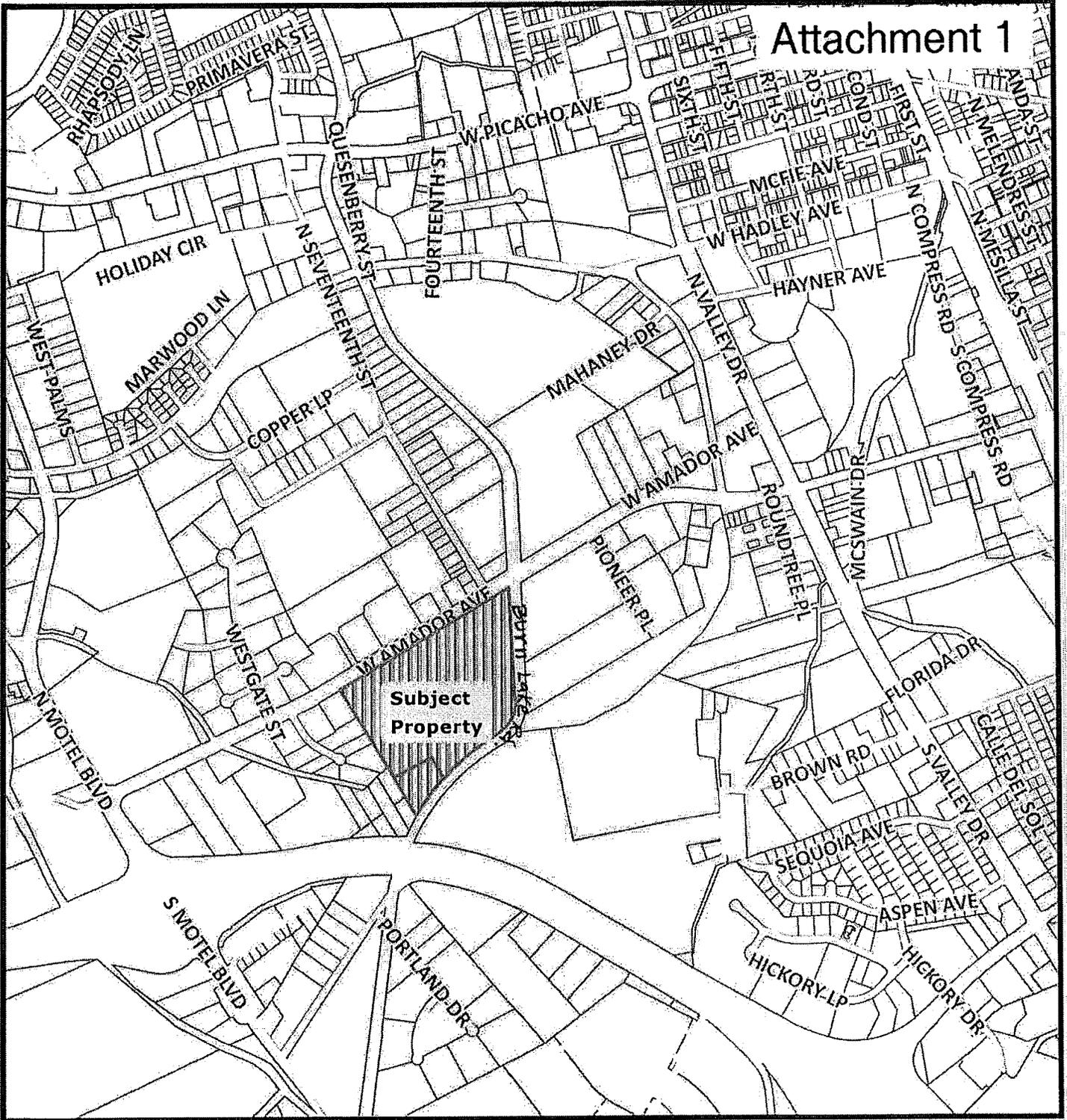
1. Location Map
2. Zoning Map
3. Site Survey
4. Rezoning Application and Development Statement

ZONING: A-2 (Rural Agriculture)
OWNER: Trinity Properties/3 Saints LLC

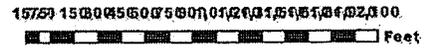
Location Map

PARCELS: 02-02576 & 02-00506

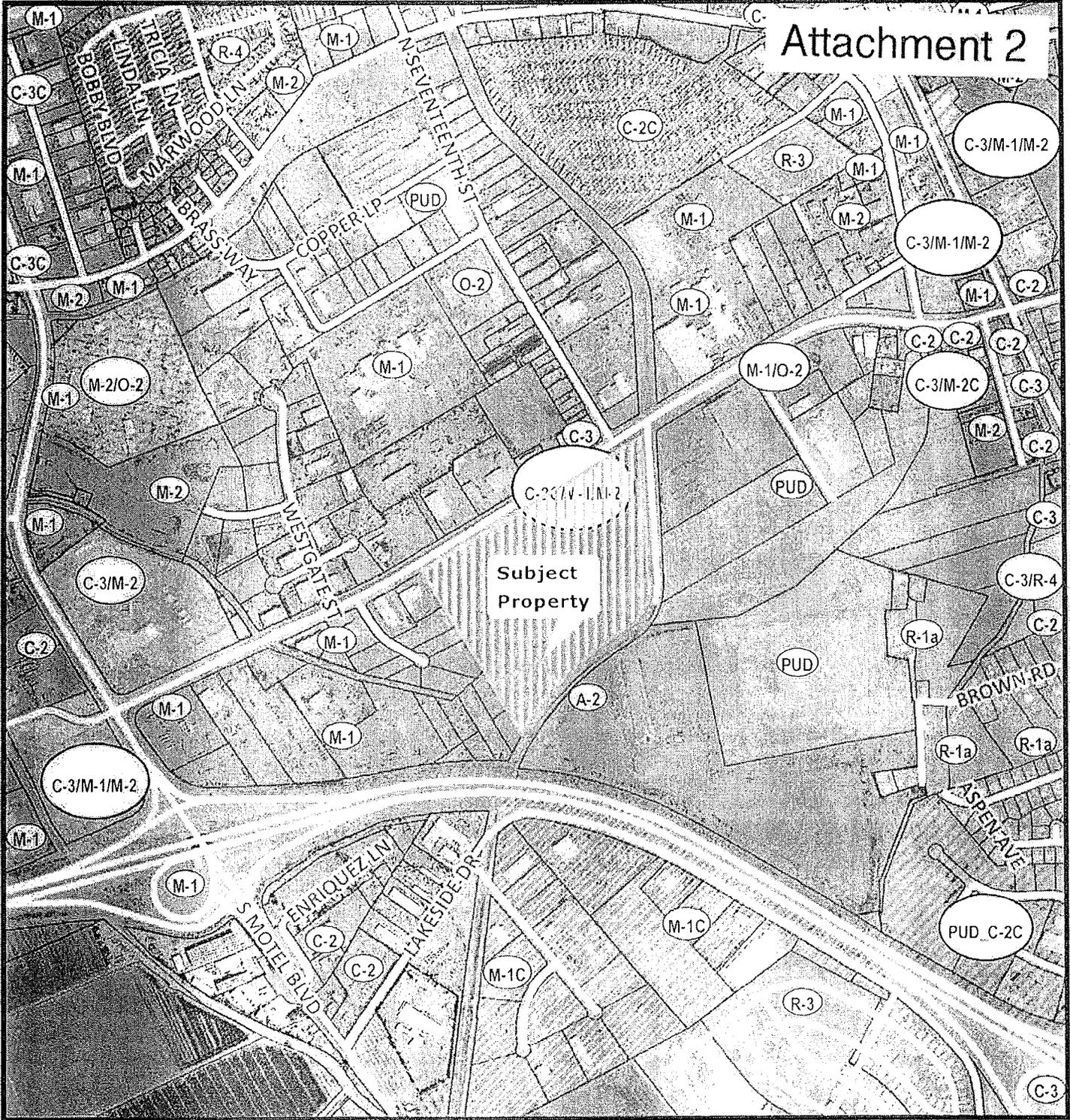
DATE: 09/02/14



Z2878: Rezone 34.6 acres from A-2 to M1/M2
at 2035 W. Amador Avenue.



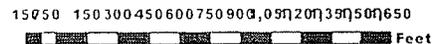
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222



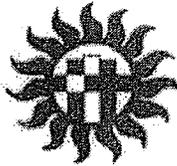
Attachment 2

Subject Property

Z2878; 2035 W Amador Rezoning
A-2, Ag. to M1/M2, Industrial



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



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

CITY OF LAS CRUCES DEVELOPMENT APPLICATION

700 N. Main Street, Suite 1100 or PO Box 20000, Las Cruces, New Mexico 88004
 (575) 528-3043 (Voice) (575) 528-3155 (FAX) 1-800-659-8331 (TTY)

A preapplication meeting is required prior to the filing of an application at which the subdivider shall submit a concept plan of the proposed development to the community development staff for review.
Community Development staff will not accept incomplete applications.

The City of Las Cruces does not discriminate on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability in the provision of services. The City of Las Cruces will make reasonable accommodation for a qualified individual who wishes to attend this meeting. Please notify the City Community Development Department at least 48 hours before the meeting by calling (575) 528-3043 (voice) or 1-800-659-8331 (TTY) if accommodation is necessary. This document can be made available in alternative formats by calling the same numbers listed above.

(Case # 22878)

SUBJECT PROPERTY ADDRESS: 2035 WEST AMADOR AVE.

PROPERTY TAX ID# 4-000-136-010-087 PARCEL ID# 02-02576/02-00506

PROPERTY OWNER(S) of record: TRINITY PROPERTIES, LLC / THREE SAINTS, LLC

Address: 2600 APODACA RD City LAS CRUCES State NM Zip 88005

Phone: Home() Work() Mobile (575) 649-5260 Fax()

APPLICANT/CONTACT PERSON: If different from owner, additional space provided on the back.

Name: MICHAEL JOHNSON Title/Company: PROFESSIONAL ENGINEER

Address: 1535 KARRIE LANE City LAS CRUCES State NM Zip 88007

Phone: Home() Work() Mobile (575) 642-5598 Fax()

email address: m.john1535@q.com

Check and complete all boxes that apply:

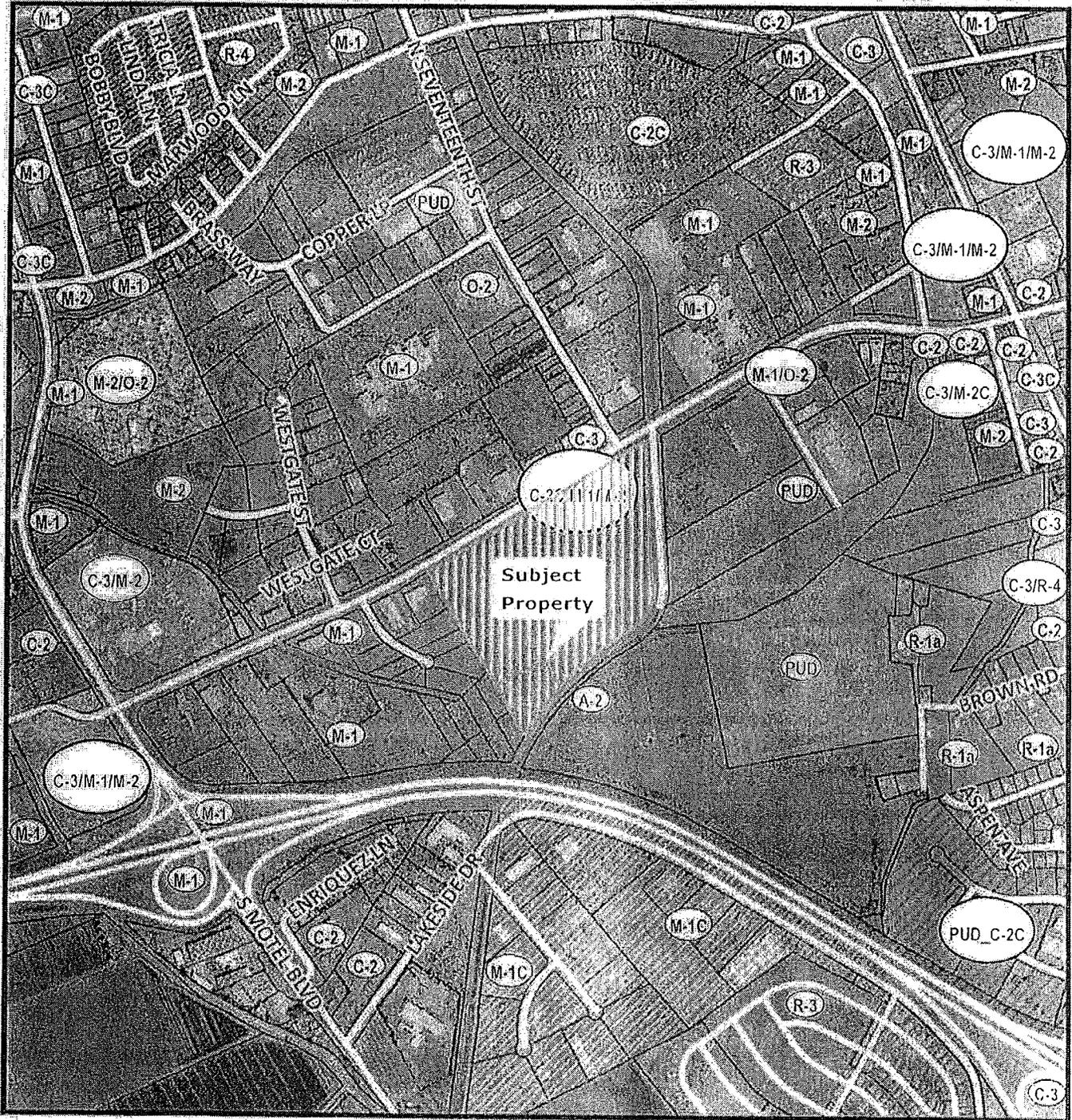
PLANNING AND ZONING COMMISSION			
Zoning	From <u>A-2</u>	to <u>M-1/M-2</u>	Master Plan
Variance	From _____	to _____	Preliminary Plat
Special Use Permit (SUP)			Final Plat
New	Renewal/Time Ext.	Amendment	Replat
Planned Unit Development (PUD)			Alternate Summary
1. Concept Approval			Infill Sub. Conceptual Plan
2. Final Site Plan Approval			Vacation Subdivision
3. Amendment			Annexation Petition/Plat/Initial Zoning Req. _____
4. Renewal / Time Extension			
West Mesa Ind. Park			University District
Infill Development Requests(s):			South Mesquite
APPEAL TO:		PLANNING & ZONING COMMISSION	CITY COUNCIL

ZONING: A-2 [1981 Zoning Rural Ag designation]
OWNER: Trinity Properties

Zoning Map

PARCEL: 02-02576 & 02-00506

DATE: 07/28/14



Z2878; 2035 W Amador Rezoning
A-2, Ag. to M1/M2, Industrial



15750 150300450600750900,00720337507650
0 100 200 300 400 500 Feet

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.

SIGNATURE(S): By signing the application, you hereby acknowledge that **ALL** the information submitted on and with this application is true and correct to the best of your knowledge. No application will be accepted without the original signature of the owner(s) of record of the described property. If more than one owner, **ALL** owners must sign the application.

Owner(s): TRINITY PROPERTIES, LLC. - WILLIAM (BILL) CUPIT
THREE SAINTS, LLC. - GREGORY M. CARRASCO

Would the property owner like to receive a copy of all correspondence sent to the applicant?

Property Owner Please Initial: Yes _____ No X

William H Cupit Date 7-21-14

Property Owner 1 [Signature] Date 7-21-14

Property Owner 2 [Signature] Date JULY 21, 2014

Applicant/Representatives(s), if different from owner:

NOTE: The Owner, Applicant or legal representative must attend all public hearings.

ADDITIONAL APPLICANTS / CONTACT PERSONS, if different from owner:

Property Owner 1:

Name: _____ Title/Company: _____
Address: _____ City _____ State _____ Zip _____
Phone-Home () _____ Work() _____ Mobile() _____ Fax() _____

Property Owner 2:

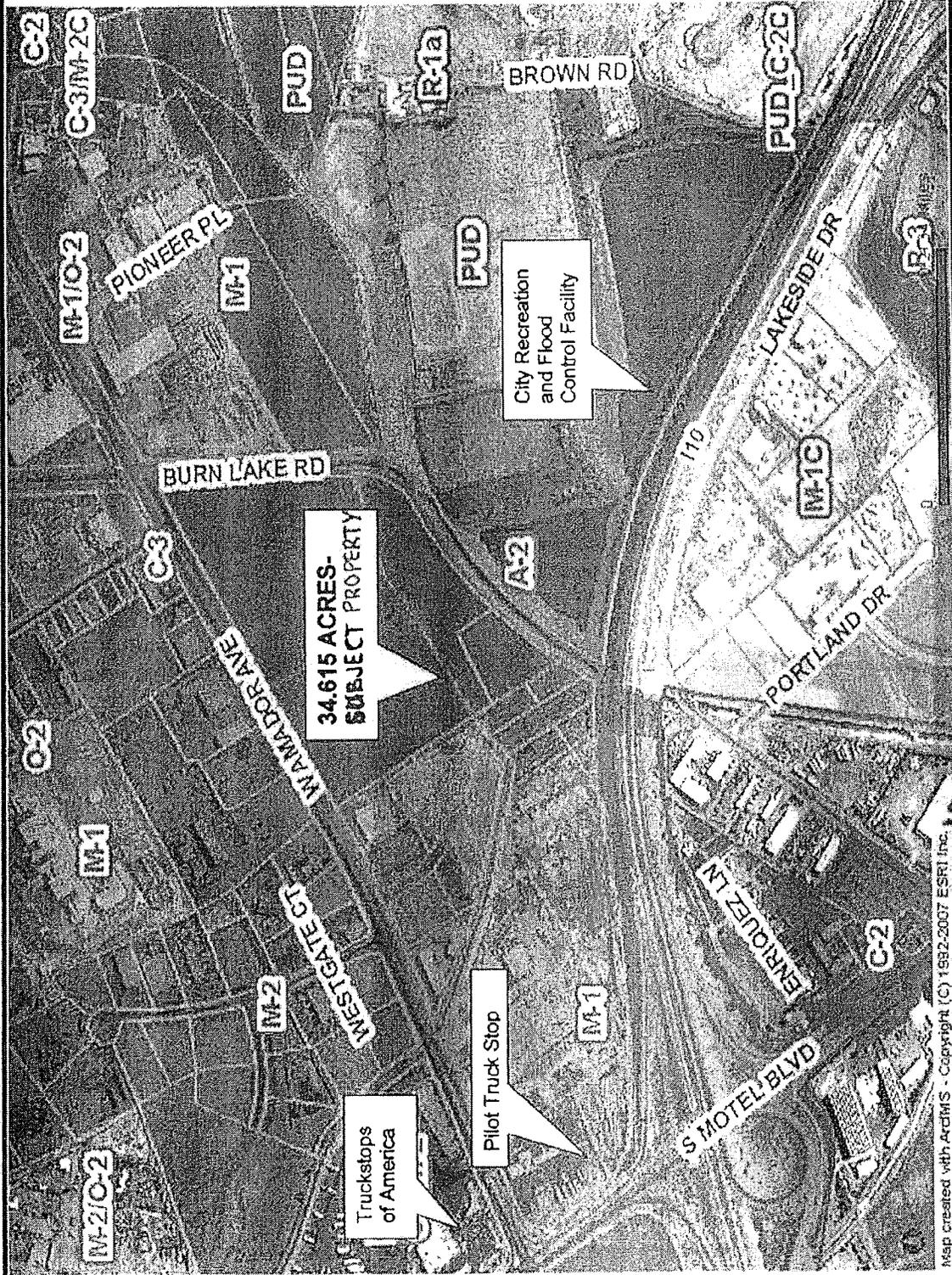
Name: _____ Title/Company: _____
Address: _____ City _____ State _____ Zip _____
Phone-Home () _____ Work() _____ Mobile() _____ Fax() _____

Applicant/Representative:

Name: MICHAEL JOHNSON Title/Company: PROFESSIONAL ENGINEER
Address: 1535 KARRIE LANE City LAS CRUCES State NM Zip 88007
Phone-Home () _____ Work() _____ Mobile (575) 642-5598 Fax() _____

*****STAFF USE ONLY*****

Accepted by:	<u>W</u>	Fee Paid:	\$ <u>100.-</u>	Date Fee Paid	<u>7/25/14</u>
Receipt No.	# <u>010822</u>	Check Number	# <u>10384</u>	Case Number	<u>22878</u>
Submittal Date	<u>7/25/14</u>	Submittal Complete		Assigned to:	<u>SM</u>



MICHAEL D. JOHNSON, P.E.

1535 Karrie Lane
Las Cruces, NM 88007

email: mjohn1535@q.com

575-642-5598

July 22, 2014

Ms. Katherine Harrison-Rogers, Senior Planner
City of Las Cruces
P.O. Box 20000
Las Cruces, N.M. 88004

Re: Requested Zone Change – 2035 West Amador

Dear Ms. Harrison-Rogers:

Trinity Properties, LLC. and Three Saints, LLC., currently own two parcels of land totaling approximately 34.5 acres located at 2035 West Amador. El Paso Electric Company is proposing to purchase both tracts for use as an operations, warehouse and fleet facility. The properties are presently zoned A-2 "Agriculture". The zoning for both parcels will need to be modified to accommodate this proposed use.

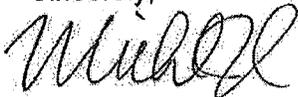
Therefore, I would like to submit a formal request to change the zoning on the properties from A-2 "Agriculture" to M-1/M-2 "Industrial Standard". The M-1/M-2 zoning designation will allow El Paso Electric Company to begin the planning process for this facility and will bring the land use into conformance with the City of Las Cruces Zoning Code.

The first property consisting of 33.12 acres is identified as Parcel ID #02-02576 and Map Code #0214006136010087 in the records of the Dona Ana County Assessor's Office. The second property consisting of 1.50 acres is identified as Parcel ID #02-00506 and Map Code #0214005136500170 also in the records of the Dona Ana County Assessor's Office.

I have attached a completed Development Statement for Zoning Application with Affidavit, property information for both parcels from the County Assessor's office, a current zoning map, a Boundary Survey and Legal Description of the properties as well as a detailed list of the proposed land use as part of the Zone Change Submittal.

Should you have any questions or need additional information, please feel free to contact me. Your time and consideration is greatly appreciated.

Sincerely,



Michael D. Johnson, P.E.

c: Mr. Greg Carrasco, Three Saints, LLC.
Mr. Bill Cupit, Trinity Properties, LLC.

SCHEDULE 6.4
Buyer's Intended Use

Proposed Land Uses

Warehouse Facility

- Approximately 15,000 SQ FT (Separate Bldg)
- Separate access for Distribution Construction and Distribution Operations personnel
- Separate access for deliveries
- Office areas
- Break room
- Conference room
- Restrooms
- Vocational vehicle parking and equipment yard (141,000 square feet); will be storing parts, poles, transformers, and equipment used in the construction of electrical transmission and distribution systems, and all associated peripheral work requirements such as facilities maintenance, safety, communications, and metering.

Fleet Services Facility (Separate Bldg)

- Approximately 12,000 SQ FT
- Ease of access for vehicles to be serviced
- Bays for medium and large vehicles
- 20 Ton enclosed crane area for vehicle disassembly, repair, and re-assembly
- Enclosed warehouse for vehicle parts
- Machine shop
- Tool repair shop with fumes exhaust
- Mechanical Room, Compressor
- Offices
- Storage Area for equipment
- Storage area for hazardous materials such as lubricants, solvents, greases, and other materials generally used in a vehicle repair shop – accessory to the primary use
- Vehicle wash bay
- Break room
- Conference room
- Restrooms

Operations Facility (Separate Bldg)

- Approximately 40,000 SQ FT
- Includes the following departments
 - Meter Test offices and various rooms
 - Meter Reading offices and various rooms
 - Distribution Engineering offices
 - Facilities Services offices
 - Mail Services
 - Maintenance & Transmission crew offices
 - Safety (Training) offices and meeting rooms
- Meeting areas for field employees
- Conference rooms
- Break rooms
- Miscellaneous Office areas/cubicles
- Restrooms

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: TRINITY PROPERTIES, LLC / THREE SAINTS, LLC.
 Contact Person: MICHAEL JOHNSON, P.E.
 Contact Phone Number: (575) 642-5598
 Contact e-mail Address: mjohn1535@q.com
 Web site address (if applicable): N/A

Proposal Information

Name of Proposal: ZONE CHANGE REQUEST
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial):
ZONE CHANGE REQUEST FROM A-2 TO M1/M2
 Location of Subject Property 2035 WEST AMADOR AVE.
 (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: APPROXIMATELY 34.0 ACRES (TWO PARCELS)
 Detailed description of current use of property. Include type and number of buildings:
AGRICULTURE

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

OPERATIONS FACILITY FOR EL PASO ELECTRIC CO.

SEE ATTACHED SHEET FOR FURTHER DETAILS.

Zoning of Subject Property: A-2
 Proposed Zoning (if applicable): M-1/M-2
 Proposed number of lots —, to be developed in — phase (s).
 Proposed square footage range of homes to be built from — to —

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

SEE ATTACHED SHEET FOR STRUCTURE DETAILS.

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

PRIMARILY MONDAY THRU FRIDAY 7:00 A.M. TO 6:00 P.M.

Anticipated traffic generation 525 trips per day.**

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

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

IN CONFORMANCE WITH CITY OF LAS CRUCES DEVELOPMENT STANDARDS.

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): NO

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

Is there existing landscaping on the property? NO

Are there existing buffers on the property? NO

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

If yes, is it paved? Yes ___ No X

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

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

** PER I.T.E TRIP GENERATION HANDBOOK 9TH EDITION
UTILITIES (170)

Susana Montana

From: ffgrivera@aol.com
Sent: Saturday, September 13, 2014 11:03 AM
To: Susana Montana
Subject: Public Notice Case Z2878

Dear Ms. Montana; Ref. Case Z2878. A number of us, including individuals from all the community and residents that live close to the Burn Lake property have spent many hours working with the City of Las Cruces Community Dev. Dept. in developing the Master Plan for development of the Burn Lake property into a nice park for all citizens to enjoy. It is slowly coming to fruition. I would like to suggest that when the property mentioned in Case Z2878 is developed by Trinity Properties LLC/Three Saints LLC property owners that trees and shrubs be planted along the east boundry of the property from Amador St. to the end of the property line by Interstate 10 along the El Molino Drainage Canal. This will keep individuals visiting a nice developed park from staring into a truck maintenance, warehouse complex. Thank you for taking this suggestion into consideration. I will attend the meeting. If I cannot attend the meeting I would like my suggestion to be considered.

Public comment

DRAFT

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 Clifton: Mr. Chair, Members of the Commission, staff. I do have what I feel could
2 be perceived as a conflict of interest with Case Z2878, the zone change.
3 As indicated in your packet it is for El Paso Electric which is my employer.
4 Thank you.
5

6 Crane: Okay Mr. Clifton, we will remove this from the consent agenda and put it
7 as a, the first item of new business so that you can vote on the other four
8 items of the consent agenda. Is that all right? Okay.
9

10 II. APPROVAL OF MINUTES

11 1. August 26, 2014 - Regular Meeting

12
13
14 Crane: We will go onto approval of the minutes and then we'll come back to more
15 matters on the consent agenda. Commissioners does anybody have any
16 points to make on the minutes for August 26th meeting? Commissioner
17 Clifton ... Commissioner Stowe.
18

19 Stowe: Yes, Mr. Chair, page 8, line 2, although it's the first line of the page with
20 text, "Adam, just kind of 'to' build". The word "to" put between "of" and
21 "build". It reads a little better. And the next page, page 9, line 30, insert
22 the word "are" between "there are a number of 'nos'".
23

24 Crane: Oh yeah.

25
26 Stowe: Those two items. Nothing ... it doesn't change the meaning but ...
27

28 Crane: Yeah, quite.

29
30 Stowe: Just those two. Thank you.
31

32 Crane: Anything else? That's it?
33

34 Stowe: That's it.
35

36 Crane: Any other Commissioner? Then I'll entertain a motion that the minutes be
37 approved with the (*inaudible*) brought up by Commissioner Stowe.
38

39 Stowe: So moved.
40

41 Crane: Moved by Commissioner Stowe.
42

43 Beard: Second.
44

45 Crane: Second by Commissioner Beard.
46

1 ALL: Aye (Except Commissioner Gordon and Ferrary abstain).

2
3 Crane: And I think Mr. Gordon and Ms. Ferrary will abstain so it passes five/zero
4 with two abstentions.

5
6 **III. CONSENT AGENDA**

- 7
8 1. **Case Z2876:** Application of Gabriel A. Perrault, property owner, for a zone
9 change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to
10 EE (Single-Family Equestrian Estate & Agriculture) on a 4.86 ± acre lot
11 located on the south side of Tucson Avenue, 0.55 + miles east of its
12 intersection with Del Rey Boulevard; a.k.a. 1720 Tucson Avenue; Parcel ID#
13 02-27534. Proposed Use: Single-family residence; Council District 5 (Sorg).
14
15 2. **Case Z2878:** MOVED TO NEW BUSINESS.
16
17 3. **Case Z2879:** Application of Zoe Development IV, LLC on behalf of Norton S.
18 Karno, property owner, for a zone change from C-2 (Commercial Medium
19 Intensity) to C-3 (Commercial High Intensity) on a 11.314 ± acre lot located
20 on the west side of El Paseo, 553 + feet north of its intersection with Idaho
21 Avenue a.k.a. 1240 El Paseo; Parcel ID# 02-07425. Proposed Use: The
22 redevelopment of the vacant site for multiple commercial uses; Council
23 District 3 (Pedroza).
24
25 4. **Case IDP-14-06:** Application of Zoe Development IV, LLC on behalf of
26 Norton S. Karno, property owner, for a subdivision known as El Paseo
27 Subdivision. The proposed subdivision would subdivide the 11.314 + acre
28 underutilized commercial lot into four (4) new commercial lots. The subject
29 property is located on the west side of El Paseo, 553 + feet north of its
30 intersection with Idaho Avenue a.k.a. 1240 El Paseo; Parcel ID# 02-07425.
31 Proposed Use: The redevelopment of the vacant site for multiple commercial
32 uses; Council District 3 (Pedroza).
33
34 5. **S-14-027:** Application of Donohue Land Surveys on behalf of Xavier
35 Alcalá/Alpha Custom Homes LLC, property owner, for a subdivision of two
36 parcels (02-26218 and 02-26221) into five lots located at 3550 Foothills
37 Road, 715 Althenian Way and 716 Hellenic Drive. The Diamante Hills Replat
38 No. 4 would divide the property into five parcels in order to place each
39 existing multi-unit building onto an individual lot: no new development would
40 occur. Zoned R-3 (Multi-dwelling Medium Density Residential). Council
41 District 6 (Levatino).

42
43 Crane: Now we pass to the consent agenda and for the sake of those who may
44 not know how this works, there were five items on it and now four. These
45 are items which the Community Development Department figures are
46 probably not particularly controversial, and therefore they're put in one
47 package and voted on as a block. However, if any Commissioner or any

1 member of the public wishes to have them pulled from this so that we can
 2 discuss them individually, then we will put them in new business also.
 3 Does any Commissioner have a desire to remove any of those four items,
 4 that's excluding 2878 which is already removed, from the consent
 5 agenda? Seeing none. Any member of the public? Then we will vote on
 6 Case Z2876, Case Z2879, Case IDP-14-06, and Case S-14-027 as one
 7 block. May I hear a motion to the effect that the consent agenda be
 8 approved?
 9

10 Beard: So moved.

11
 12 Crane: Moved by Mr. Beard.

13
 14 Gordon: Second.

15
 16 Crane: Seconded by Mr. Gordon. Show him how to push his button. Seconded
 17 by Mr. Gordon. All in favor aye.

18
 19 ALL: AYE.

20
 21 Crane: Opposed. None. Okay it passes seven/nothing.
 22

23 IV. OLD BUSINESS - NONE

24
 25 Crane: We move on to ... oh any old business Mr. Ochoa?

26
 27 Ochoa: No sir, none tonight.

28
 29 Crane: Okay.
 30

31 V. NEW BUSINESS

32
 33 **Case Z2878:** Application of Trinity Properties LLC/Three Saints LLC, property
 34 owners, for a zone change for a 34 acre property (Parcels 02-02576 & 02-00506)
 35 located at 2035 W. Amador Avenue from A-2 (Rural Agriculture from the 1981
 36 Zoning Code) to M1/M2 (Industrial Standard) designation to develop a
 37 warehouse, truck repair and maintenance building and outdoor storage of fleet
 38 trucks and equipment; Council District 4 (Small).
 39

40 Crane: We move onto new business. We handle this a little bit differently from
 41 the consent agenda; in this case there will be debate. At first a member of
 42 the Community Development Department will make a presentation.
 43 Commissioners may have questions. Then we ask the representative of
 44 the applicant or the applicant to come up and talk to us if he wants to, and
 45 again we may have questions. And finally we ask for comments from
 46 members of the public, and we may have questions of them. When the

1 members of the public have all had their say, the matter is closed to
2 further debate and the Commission will vote.

3 So the first item on new business is Case Z2880, an application for
4 a zone change on property at Avenida de Mesilla and Stern Drive. Ms.
5 Montana are you going to speak to us?
6

7 Montana: Yes I am. Thank you.
8

9 Crane: As soon as you can make the technology work.
10

11 Clifton: Mr. Chair, if I may?
12

13 Crane: Oh I beg your pardon. Yes.
14

15 Clifton: I'd like to formerly recuse myself and ...
16

17 Crane: I missed that point, yes. In fact I have to back up. We said the first item of
18 new business would be 2878 and Mr. Clifton is going to recuse himself as
19 he said he would and he'll be in the audience and will rejoin us up here
20 when this matter is over. So are you prepared for 2878 Ms. Montana?
21

22 Montana: Yes I am.
23

24 Crane: Okay. Oh, I have to swear you in. Cause the last oath you took sort of
25 evaporated. Do you swear or affirm that the testimony you are about to
26 give is the truth and nothing but the truth under penalty of law?
27

28 Montana: Yes I do.
29

30 Crane: Thank you. Please continue.
31

32 Montana: Thank you Mr. Chair, Commissioners. I apologize. I'm not sure how to
33 work this ... this new PowerPoint software, so I will do it this way. Okay.
34 What you have before you is a request for a rezoning property from A-2
35 rural agriculture to M1/M2 which is an industrial standard designation for
36 34.6 acre property located at 2035 W. Amador Avenue. The property here
37 is Amador Avenue, Valley, 17th, and the property here, Burn Lake Road
38 and Burn Lake Park here. As you can see the area is surrounded by
39 industrial, M1/M2 in this area. This is the park, Burn Lake owned by the
40 City, and it's zoned ... it's still zoned A-2 rural agriculture. This is a
41 Planned Unit Development with industrial and residential on this part,
42 industrial residential. This is an aerial view of the property. For the last
43 three years the property has been vacant, fallow agriculture. Before that it
44 was agriculture. In 1990 it was zoned from industrial to agriculture, but as
45 I said the last three years the property owner has not developed
46 cultivation. This is a site survey or a plat. There are two parcels; a

1 smaller parcel here and a larger parcel here. I'm showing you the Mesilla
2 Lateral which is owned by EBID, and in a later slide I'll show that, and the
3 comments by EBID regarding how to preserve that lateral.

4 Again, the property was rezoned in 1990 from industrial to
5 agriculture. It has been vacant for three years. The owner seeks to
6 rezone the properties to sell it to El Paso Electric Company. The company
7 wishes to develop this as a, what might be called a corporation yard with
8 warehousing, truck fleet repair and maintenance facility, and then a small
9 building for work stations for their employees. The A-2 zoning is a
10 remnant of the 1981 Zoning Code and to rezone it to the M1/M2 would
11 bring the property into conformance with the current 2001 Zoning Code.

12 This is a slide I mentioned; the lateral borders the property on the
13 east and the southern property line. There is a road; you can see the City
14 car right here parked in the stub-out of a road leading to the property and
15 the lateral drains under this culvert. EBID owns the culvert and the lateral
16 of course, and they do not want heavy truck traffic over this culvert. So
17 they ... during the permit process they would be asked to comment and
18 they would as they have, commented that they want to see truck traffic
19 from ... into the property from Amador rather than over this culvert.

20 The development site ... the development of the site will require
21 traffic analysis, a drainage study, and an analysis of turning movements
22 into the property. The frontage of the property fronts Amador Avenue and
23 there are four and half medians within the ... within Amador Avenue at this
24 location and this developer would be responsible for building one-half, the
25 half closest to their property, of the median with landscaping and irrigation.

26 There is public comment that requested a landscape buffer around
27 the perimeter of the east and southern property to screen the industrial
28 activity from view of motorists who are traveling to Burn Lake, and in the
29 next slide I'm showing you the Burn Lake master plan which is currently
30 being ... has been adopted and ... by City Council and is being improved,
31 the lake is being improved or the, not the lake but the park area of the
32 Burn Lake Park is being improved.

33 So here is the property, here is the lateral. According to the City's
34 Design Standard 15% of the lot area minus the building footprint of all the
35 building on the property, 15% of the remaining land has to be landscaped.
36 And this comment of the neighbor has asked that much of that
37 landscaping be placed along the frontage Amador and Burn Lake Road so
38 that it improves the entrance experience into the park.

39 Our evaluation deems that the site is an industrial area and this
40 rezoning would be consistent with the neighborhood, as consistent with
41 the previous use of the property. The current zoning is a remnant of the
42 '81 Zoning Code and rezoning it would bring the property into
43 conformance with the current Zoning Code. The light industrial use again
44 would be consistent with the adjacent businesses. And upon development
45 the traffic and the drainage and the landscaping would be ... would have
46 to meet City codes. So staff is recommending approval. We don't believe

1 there needs to be any conditions to the approval because any
2 development of the site would require that it meet code; traffic, drainage,
3 landscaping. Your options tonight Commission is to vote "yes" to
4 recommend approval of the rezoning to City Council; vote "no" to
5 affectively recommend denial of the rezoning to City Council; vote to
6 modify or place conditions on your recommendation to City Council; or
7 vote to table or postpone. I'm happy to answer any questions you may
8 have. The applicant's representative is here and there's also members of
9 the public who received our public notification who would like to comment
10 to the Commission as well.

11
12 Crane: Thank you Ms. Montana. Commissioners any questions of Ms. Montana?
13 I have one; what is meant by a 4.5 median, is that width?

14
15 Montana: No, that's four and a half medians that lie in Amador Avenue in front of this
16 property. And the, the applicant is required to build; it's not a good ... not
17 good, sorry. Build the median that fronts their property, build half, not all
18 of it but the first half. So of the four and a half medians that lie in front of
19 this frontage, they have to build half. They have to landscape half of it and
20 install irrigation systems to sustain that landscaping.

21
22 Crane: How is the figure of 4.5 arrived at?

23
24 Montana: Simply by the medians that are in front of the property.

25
26 Crane: They're existing.

27
28 Montana: Existing medians.

29
30 Crane: Okay and they have to landscape one-half of the length of a median, each
31 one.

32
33 Montana: Yes, their half. Their half.

34
35 Crane: So it's split longitudinally along Amador. They ... they ... how wide's the
36 median?

37
38 Montana: Oh I couldn't tell you.

39
40 Crane: Roughly. Two feet? Ten feet?

41
42 Montana: Oh no, no. It's probably seven to ten feet wide.

43
44 Crane: I'm trying to picture it. I drive down there all the time and ...

45
46 Montana: Yeah, well ...

1
2 Crane: Anyway, okay. So they've got to split it, five feet and five feet roughly.
3
4 Montana: Roughly.
5
6 Crane: Yeah. Okay. Thank you.
7
8 Montana: You don't notice it Commissioner Crane because they need to be
9 landscaped. They're just unimpressive in their current condition.
10
11 Crane: I'm wondering how impressive it's going to be if half of the width of the
12 median is landscaped and the other half isn't.
13
14 Montana: Eventually the other half will be developed. The properties on the other
15 side will be developed and then the median will be landscaped.
16
17 Crane: The property on the other side is developed.
18
19 Montana: Re-developed.
20
21 Crane: As I recall there's that pet resort and other things like that there. Am I
22 right? That's the modern steel warehouse buildings.
23
24 Montana: There are, yeah, business services activities and the pet resort I believe is
25 here.
26
27 Crane: Yeah.
28
29 Montana: Yeah.
30
31 Crane: So we've got to wait for those to be knocked down and reestablished in
32 order to get the other half of the median landscaped?
33
34 Montana: Not knocked down, but more fully developed, more fully developed would
35 trigger the requirement.
36
37 Crane: Thank you.
38
39 Ferrary: I have a question.
40
41 Crane: All right. Ms. Ferrary.
42
43 Ferrary: Has that happened already in our City where it's been half way developed
44 and then the other half later on? Do we have an example of where that's
45 worked?
46

- 1 Montana: Yes it has and I think more, more so in the Northrise area where the City
2 did not develop it as part of the improvement district, the edges of that.
3 They were half developed and then we're waiting for the other half.
4
- 5 Ferrary: So no one's really had to go in and do the last half? Cause I would think it
6 would be easier just to take the four and ask them to fully develop two and
7 then someone do the other side ... the other two along the corridor cause
8 it would seem hard to match up whatever the landscaping is.
9
- 10 Montana: Well the ordinance, the Median Landscape Ordinance does grant the City,
11 and our landscape architects some flexibility in negotiating that with the
12 applicant and I will make that recommendation to Cathy Matthews who is
13 our landscape architect. When the permit comes through she will be
14 negotiating that.
15
- 16 Ferrary: Okay. Thank you.
17
- 18 Gordon: Mr. Chair.
19
- 20 Crane: Mr. Gordon.
21
- 22 Gordon: It says that a traffic impact analysis may be required upon development of
23 the property. So at this point in time we do not know the amount of like,
24 say for example how much heavy truck traffic and vans and service
25 vehicles will be using this particular piece of land and I'm not too familiar
26 with the area but I don't know how much passenger, vehicular traffic there
27 may be through there, but I would assume that egress and ingress into
28 this property will be sufficient to take care of any kind of heavy traffic that
29 they may have considering it's El Paso. I don't know what they're
30 planning on doing with the piece of property.
31
- 32 Montana: Mr. Chair, Commissioner Gordon, the ... in a rezoning it's really the land
33 uses are typically too broad and vague to be able to do a traffic analysis.
34 One would have to do the whole gamut of the uses and the truck traffic
35 and that sort of thing. So it's ... it's too early to do a traffic impact
36 analysis. When we get a permit application then they'll be very specific
37 about where the buildings would be, where the driveway would be, and
38 what kinds of trucks would enter and the schedule of the employee's shifts
39 and that sort of thing. That's when it's best to do the traffic analysis.
40
- 41 Gordon: Thank you.
42
- 43 Crane: Any other Commissioner have questions? Okay. Thank you. Is the
44 applicant here? Please identify yourself sir and I'll swear you in.
45

1 Johnson: Mr. Chairman, Members of the Planning and Zoning Commission, my
2 name is Michael Johnson, consultant engineer working with Trinity
3 Properties, LLC and Three Saints, LLC. With me here today is Mr. Greg
4 Carrasco from Trinity Properties, LLC.
5

6 Crane: Mr. ... I'm sorry your name again?
7

8 Johnson: Mike Johnson.
9

10 Crane: Mr. Johnson do you swear or affirm that the testimony you are about to
11 give is the truth and nothing but the truth under penalty of law?
12

13 Johnson: Yes sir I do.
14

15 Crane: Okay, do you have a statement you want to make in this regard?
16

17 Johnson: Mr. Chairman, I do have a presentation but it would be much of the same
18 that you've already heard so rather than give the presentation I'll maybe fill
19 in the blanks a little bit on some of the questions that I have heard here if I
20 could.
21

22 Crane: Go ahead.
23

24 Johnson: There was a question about traffic generation. The first thing I'd like to
25 say is that right now there has been no purchase of the property by El
26 Paso Electric, so it would be ... I do agree that it would be very premature
27 to at least at this point to answer any questions on their behalf because
28 they have not purchased the property. So at this point I think a lot of these
29 questions would be more relevant at the construction/permitting process,
30 when they actually come in and submit their construction permit for their
31 site. Too though ... though I would like to address just to ... based on the
32 information we have received from El Paso Electric, as part of the packet I
33 am a traffic engineer by one of my other professions back in ... several
34 years ago. We were able to generate ... the site based on what El Paso
35 Electric has submitted that they want to do which was part of your packet,
36 would generate about 525 cars a day. Amador Avenue at the current
37 time, I don't remember the exact number, but it was between ... it was
38 around 8,800 cars a day are on Amador. So potentially you would be
39 adding another 500 vehicles. That's not really significant when you're
40 looking at a major arterial such as Amador. It's still a level of service A, so
41 it'd still be functioning quite ... with very relatively little congestion with the
42 addition of El Paso Electric in the event that that was to take place on the
43 site. And then I would like to add again that Amador is a major arterial.
44 Our particular, the particular 34-acre property does have a ...
45 approximately, if I can get this slide show, does have approximately I think

1 it's 1,700 feet of frontage on Amador, so that ingress and egress to try to
2 design around where existing medians are should not be a problem.

3 And I also would like to back up and to agree with the landscaping
4 of the medians that you would probably see some kind of recommendation
5 to do two full medians instead of four one-half medians when it would
6 come forward from that aspect. Let me see what other ... and I think
7 Susana mentioned it briefly, but this property was, prior to 1990, zoned for
8 industrial use and then it was zoned back to agriculture, rural agriculture
9 use which is its current designation. So what we're simply asking for here
10 today is to move back to the M1/M2 industrial standard zoning that it
11 previously had prior to 1990 which is very consistent with the properties
12 that exist around it currently today. So with that I'd be happy to answer
13 any further questions.
14

15 Crane: Thank you Mr. Johnson. Commissioners? I guess nobody has any
16 questions for you. Thank you. Members of the public. Yes, come up
17 please sir, introduce your self and I'll swear you in. Who are ...?
18

19 Rivera: My name is Floyd Rivera. And I live at 1805 W. Brown Road.
20

21 Crane: Okay.
22

23 Rivera: On the east side of Burn Lake. And I tell you that my neighbor Fred Huff
24 he and I ...
25

26 Crane: One moment sir, let me swear you in. Okay?
27

28 Rivera: Okay.
29

30 Crane: Do you swear or affirm that the testimony you are about to give is the truth
31 and nothing but the truth under penalty of law?
32

33 Rivera: I do.
34

35 Crane: I do. Thank you. Continue please.
36

37 Rivera: Okay. I can tell you that my neighbor Fred Huff and myself, we're the only
38 residents in Las Cruces that can claim that we have a lake front property.
39 Not a whole lot of water there now, but we do live next to the lake.
40

41 Crane: You've got plenty of beach but no water.
42

43 Rivera: Right.
44

45 Crane: Yeah.
46

1 Rivera: Thank you very much for the opportunity to come before the Board to
2 express a suggestion that we have and I think will improve the
3 appearance of the ... of Burn Lake as a park. If you ... if you bear with me
4 Mr. Chairman, let me give you a little bit of background on Burn Lake. I
5 have lived there before Burn Lake existed. The Burn Lake property was
6 nothing but cotton fields and so that I have the privilege of waking up
7 every morning and during the construction of Burn Lake and hearing the
8 loaders, the bulldozers digging Burn Lake and hauling off the dirt to build
9 Interstate 10. Now, I ... I get a chuckle when I read articles in the
10 newspaper or you know about stories about how when the workers were
11 digging Burn Lake that they tapped into a secret set of springs or a
12 unknown river you know that they didn't know existed. And so those
13 stories are interesting but they're ... they're not true. Okay. I watched the
14 digging of Burn Lake from beginning to end okay. And what happened is
15 they started digging and sure enough once they hit the water table they hit
16 water. And so that they couldn't dig any further because of the water that
17 was coming from underground. So what they did is they set up these
18 monster diesel engine pumps on the west side of the property and they
19 pumped 24 hours a day and they pumped into the El Molino Drainage
20 which leads into the river and that allowed them to go further ... to dig
21 deeper into the ground. And once they had ... once they had finished and
22 tapered the banks, they turned the pumps off and the water came up to
23 the existing water table. Okay. Which at that time was pretty high. Now
24 it's ... it's so low that ... that there isn't any water in the lake. Okay. But,
25 thank you for hearing my story.

26 Now, the reason I'm here today is because several years ago a
27 group of us citizens got together and the group consisted of residents,
28 some members from New Mexico State University soil experts and water
29 experts, members from the Game and Fish Department. We had
30 members from the ... we had members of the Audubon Society, it was a
31 real nice group and so we worked for months and almost I would say two
32 years. And we worked with the City Community Development
33 Department, specifically Cathy Matthews was our ... our representative.
34 But when we ... when we were done we ... our product was a master
35 plan. The Burn Lake Master Plan. And so we presented it to City Council
36 and they approved it. Okay. And so that slowly improvements have been
37 made to the Burn Lake property. The only thing that is needed to really
38 bring Burn Lake property to ... to the master plan is money. Okay. But
39 slowly, you know things are coming along and so that I hope somebody
40 before I die, I hope that I can go down there and see Burn Lake in it's ... in
41 it's full master plan glory. Okay. Okay, but today I want ... I'm not here to
42 object to this zoning of the property. Okay. I am here and I have talked to
43 a number of the members of the group that put together the master plan.
44 Okay. And I'm here to make a suggestion and I think that it was included
45 in the ... in the items that Susan presented to the Board. Okay. And what
46 we would like to see is right in this area, from Amador along that road and

1 coming this way and all the way down here to ... to Interstate 10; we
 2 would like to see some landscaping done. The landscaping to include
 3 trees, shrubbery. And the reason for this is because we feel that once the
 4 Burn Lake property is developed, okay, I think it would ... I don't think it
 5 would ... would help for people that go down to Burn Lake to see ... to
 6 look and ... and into this ... into this other property that is being talked
 7 about today, okay. And, and, and looking at warehouses, storage areas,
 8 number of vehicles parked in that area. And that that is all we are asking,
 9 okay, is that the developer landscape this stretch all the way from Amador
 10 all the way to Interstate 10. And it ... I guess we would call it a landscape
 11 buffer. I guess that's probably the best way to describe it, okay. Now, you
 12 go around the country and you visit parks, trees are part of parks you
 13 know. Parks are full of trees. Parks are full of shrubbery, plants, etc. etc.
 14 So that I'm thinking of the future, okay. That when ... when the Burn Lake
 15 property is, is, is developed per the master plan we will have a buffer of
 16 trees and shrubbery that would, I feel and we feel would add to the ... to
 17 the beauty of Burn Lake.

18 Now, a while ago you know you all talked about the ... the road
 19 leading from Amador down into the ... into the lake, it's in bad condition. It
 20 is in bad condition. And, and, and lately the ... this part of the ... of the
 21 Burn Lake property, construction of this part has been underway. Okay.
 22 And bulldozers, heavy load, I mean moving equipment, soil moving
 23 equipment, all that heavy equipment has been coming down that ...
 24 coming down that road and so that, I was down there last week and it's ...
 25 it's worse. It's gotten worse. So that I ... I'm asking, we're asking
 26 Community Development to look at this because it needs to be improved.
 27 But that ... but that's not part of the ... of the zoning question today. And
 28 so that's all I have Mr. Chairman.

29
 30 Crane: Thank you. Commissioners any questions for Mr. Rivera? No, okay.
 31 Thank you sir.

32
 33 Rivera: I do have one last question. If you all go along with our suggestion will
 34 your vote include or require the developers to include what I have
 35 suggested?

36
 37 Crane: No what we're doing today, no this is strictly a zoning change. Later, am I
 38 right Ms. Montana? In later stages of this development would be the time
 39 to implement your suggestions or not.

40
 41 Rivera: Yeah, I, I ...

42
 43 Crane: Am I right Ms. Montana?

44
 45 Montana: Mr Chair, Commissioners. When ... if this is rezoned by City Council the
 46 applicant will come in for a building permit and staff will review that

1 building permit for their 15% landscaping and we will suggest to them that
2 they place, they devote that 15% to landscaping the edges, at least here,
3 in particular here. But I think there's going to be enough required that we'll
4 be able to get the whole perimeter landscaped. And we will suggest that
5 they place the trees and the shrubbery, dense shrubbery along this part so
6 that there is screening and more attractive entry experience.
7
8 Rivera: Good.
9
10 Crane: Thank you Ms. Montana. Thank you Mr. Rivera. Any other member of the
11 public wish to speak to this matter? Okay. Thank you. The matter's
12 closed to further public input. Commissioners we have item Z2878 before
13 us, what is your wish? No one have any debate so let's hear a motion for
14 its approval.
15
16 Beard: I move to accept Z2878.
17
18 Crane: Moved by Commissioner Beard. Do we have a second?
19
20 Ferrary: I'll second it.
21
22 Crane: Seconded by Commissioner Ferrary. We ... for Mr. Gordon's benefit, I
23 don't know if you've any experience of how we do things sir, but we do a
24 roll call vote and you say on what basis you make your decision; such as
25 findings that are presented, site visit perhaps, and ... what's the third
26 thing? What is the third thing we base? Discussion, of course. Of
27 course. And so, you go ... no actually we'll start so you can see ... we'll
28 start with Mr. Beard.
29
30 Beard: I vote yes based on findings, site visit, and discussions.
31
32 Crane: Mr. Alvarado.
33
34 Alvarado: I vote yes based on site visit, findings, and discussion.
35
36 Crane: Ms. Ferrary.
37
38 Ferrary: I vote yes due to findings and discussion.
39
40 Crane: Mr. Stowe.
41
42 Stowe: Yes based on findings and discussion.
43
44 Crane: And the Chair votes yes based on findings, discussion, and site visit. Item
45 Z2878 passes five/nothing. Correction, I didn't get you Mr. Gordon. Didn't
46 add up. So used to not having that extra Commissioner. And Mr. Gordon.

- 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.
2
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

- 1 a postponement of this case.
2
- 3 Crane: Well Mr. Beard.
4
- 5 Beard: I suggest that we go ahead with it and if we have a question of the
6 applicant then we can table it.
7
- 8 Crane: That legal Mr ...
9
- 10 Ochoa: Mr. Chairman, Commissioner Beard, unfortunately since the applicant is
11 not here or representative of the applicant we cannot discuss or actually
12 even just do an overview of the proposed case since there is nobody
13 representing the case unfortunately at the public meeting sir.
14
- 15 Crane: Then I guess we have no alternative but to, what's the technical term,
16 table this until I presume the next meeting.
17
- 18 Ochoa: Mr. Chairman that is correct. If the Commission so chooses to do, they
19 could actually postpone this to date specific meeting which would be
20 possibly our next meeting, next month's meeting and hopefully we'll be
21 hearing it then.
22
- 23 Crane: All right let me entertain a motion that this matter be tabled, this is IDP-14-
24 07 table until specifically the next meeting of the Commission.
25
- 26 Beard: So moved.
27
- 28 Crane: Moved by Mr. Beard.
29
- 30 Ferrary: I can second it.
31
- 32 Crane: Second by Ms. Ferrary. You've got to be faster. Okay we'll take a voice
33 vote on this. All in favor aye.
34
- 35 ALL: AYE.
36
- 37 Crane: Opposed. And abstentions. That matter passes seven/zero.
38
- 39 **VI. OTHER BUSINESS - NONE**
40
- 41 Crane: So we'll go onto other business Mr. Ochoa or Mr. Guza.
42
- 43 Ochoa: Sir there are no others, no other business in the agenda today.
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45
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1 **VII. PUBLIC PARTICIPATION**

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3 Crane: Any public participation?

4
5 **VIII. STAFF ANNOUNCEMENTS**

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7 Crane: Staff announcements?

8
9 Ochoa: Mr. Chairman, as you're all aware of course we do have our seventh and
10 final Commission, Planning and Zoning Commission Member,
11 Commissioner Gordon. So great name, we'll start the Batman references
12 as soon as the next meeting starts. We definitely, staff is happy to have
13 now a full Commission. I'm sure a lot of you all are as well. But definitely
14 look forward to a nice long term with a full Commission.

15
16 Crane: Yes, I think we will too. At least don't get up in the morning worrying about
17 tied votes which has been a problem for me.

18
19 Gordon: You can send up the Bat signal whenever you're ready.

20
21 Ochoa: And it commences.

22
23 Crane: Thank you Mr. Gordon.

24
25 **IX. ADJOURNMENT**

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27 Crane: In that case we are adjourned at 6:55.

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34 _____
35 Chairperson
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