

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 2732

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

For Meeting of November 3, 2014
(Adoption Date)

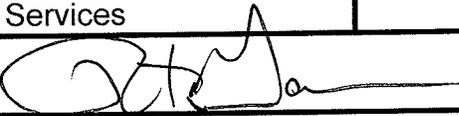
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 11.314 ± ACRES OF LAND LOCATED AT 1240 EL PASEO ROAD. SUBMITTED BY ZOE DEVELOPMENT IV, LLC. ON BEHALF OF NORTON S. KARNO, PROPERTY OWNER (Z2879).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 3		
<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 west side of El Paseo Road, 553 ± feet north of its intersection with Idaho Avenue. The subject property is the old vacant Kmart property that is proposed to be redeveloped by the applicant. Prior to the adoption of the current 2001 Zoning Code, the C-2 zoning designation was the highest intensity commercial designation. The property has historically been used in this regard, the equivalent of the current C-3 zoning designation, but was not converted to C-3 with the adoption of the 2001 Zoning Code. The existing C-2 (Commercial Medium Intensity) zoning designation has a maximum lot size requirement of 1 acre making the subject property non-conforming. The subject property is required to come into compliance with the 2001 Zoning Code before any redevelopment of the property can occur. The proposed zone change to C-3 (Commercial High Intensity) will bring the property into compliance with the current 2001 Zoning Code and would permit the future redevelopment of the property. The property is located in an area of the City of Las Cruces largely comprised of commercial uses and is adjacent to other properties zoned C-3 making the property compatible with the surrounding area. The subject property is also located within the El Paseo Blueprint area of the City of Las Cruces and the proposed zone change is consistent with the El Paseo Blueprint. The subject property is located along El Paseo Road, a minor

arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity uses and zoning are encouraged.

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

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2879.
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"/>	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 11.314 ± acres 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 and the property will remain non-conforming. 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. Resolution 12-218.

COUNCIL BILL NO. 15-013
ORDINANCE NO. 2732

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 11.314 ± ACRES OF LAND LOCATED AT 1240 EL PASEO ROAD. SUBMITTED BY ZOE DEVELOPMENT IV, LLC. ON BEHALF OF NORTON S. KARNO, PROPERTY OWNER (Z2879).

The City Council is informed that:

WHEREAS, Norton S. Karno, 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 1240 El Paseo Road; 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: _____

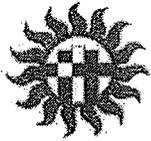
Councillor Small: _____

Councillor Sorg: _____

Councillor Levatino: _____

Findings

1. The subject parcel currently encompasses a total of 11.314 ± acres, is zoned C-2 (Commercial Medium Intensity) and is currently a vacant commercial site.
2. The subject property currently 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 minor 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 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 #	Z2879	PROJECT NAME:	1240 El Paseo (Zone Change)
APPLICANT/ REPRESENTATIVE:	Zoe Development IV, LLC	PROPERTY OWNERS:	Norton S. Karno
LOCATION:	The west side of El Paseo, 553 ± feet north of its intersection with Idaho Avenue	COUNCIL DISTRICT:	District 3 (Councillor Pedroza)
SIZE:	11.314 ± 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 commercial building/lot		
PROPOSED USE:	Commercial redevelopment with multiple commercial uses		
STAFF RECOMMENDATION:	Approval without conditions based on findings		

TABLE 1: CASE CHRONOLOGY

Date	Action
August 1, 2014	Application submitted to Development Services
August 4, 2014	Case sent out for review to all reviewing departments
August 11, 2014	Final comments returned by all reviewing departments
August 14, 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), encompasses 11.314 ± acres and consists of the large vacant commercial building. The size of the property far exceeds the maximum lots size requirement of the C-2 zoning district of 1 acre, making it non-conforming. The proposed zone change to C-3 (Commercial High Intensity) will bring the property into compliance with the 2001 Zoning Code with the maximum lot size requirement and will allow for the proposed redevelopment of the "underutilized" property including a proposed Infill Development Process Subdivision creating four (4) new commercial lots from the one (1) existing tract. All new lots will be required to meet all development requirements of the C-3 zoning district. 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	11.314 ± acres	Lot 1: 8.314 ± acres; Lot 2: 1 ± acres; Lot 3: 1 ± acres; Lot 4: 1.176 ± acres	21,780 sq. ft. (0.50 acres) minimum / No maximum
Lot Width	774 ± feet	Lot 1: 633 ± feet; Lot 2: 206 ± feet; Lot 3: 249 ± feet; Lot 4: 290 ± feet	60 feet minimum
Lot Depth	794 ± feet	Lot 1: 469 ± feet; Lot 2: 261 ± feet; Lot 3: 171 ± feet; Lot 4: 266 ± feet	70 feet minimum
Structure Height	25 ± feet	Unknown	60 feet maximum
Setbacks			
Front	457 ± feet	Lot 1: Unchanged; Lot 2, 3, 4: Unknown	15 feet minimum
Secondary Front	315 ± feet	Lot 1: Unchanged; Lot 2, 3, 4: Unknown	15 feet minimum
Side	56 ± feet	Lot 1: Unchanged; Lot 2, 3, 4: Unknown	5 feet minimum
Side	N/A	Lot 1: N/A; Lot 2, 3, 4: Unknown	5 feet minimum
Rear	25 ± feet	Lot 1: Unchanged; Lot 2, 3, 4: 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 commercial lot	N/A	C-2 (Commercial Medium Intensity)
North	Vacant/undeveloped/restaurant	N/A	C-2 (Commercial Medium Intensity)
South	Multiple commercial/retail uses	N/A	C-2 (Commercial Medium Intensity)/C-3 (Commercial High Intensity)
East	Multiple commercial/retail uses	N/A	C-2 (Commercial Medium Intensity)/C-3 (Commercial High Intensity)
West	Multiple Commercial/retail uses	N/A	C-2 (Commercial Medium Intensity)/C-3C (Commercial High Intensity-Conditional)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance	N/A
Resolution #12-218	Resolution adopting the El Paseo Corridor Community Blueprint, which the subject property is part of.

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"> The parcel is in the Special Flood Hazard Area and any future construction or improvements on the property will require a FEMA Letter of Map Change Process A drainage report may be required when a building permit is requested

CLC Traffic	Yes	Yes <ul style="list-style-type: none"> A Traffic Impact Analysis shall be required with any future development or redevelopment
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;
- B. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- K. Encourage development of vacant properties within established areas; and
- N. Conserve the value of buildings and land.

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

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

- b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Applicable Comprehensive Plan Elements & Policies

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

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

1. Goal 32, Policy 32.3

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

Analysis

The proposed zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is for a 11.314 ± acre vacant commercial tract of land located at 1240 El Paseo. The subject property currently exceeds the maximum lot size requirement of the existing C-2 zoning designation, making it non-conforming. The proposed zone change to a C-3 zoning designation would bring the property into compliance with the 2001 Zoning Code, as amended. The applicant is also seeking an Infill Development Process (IDP) subdivision of the one (1) existing "underutilized" commercial tract into four (4) new commercial lots. The proposed new lots will still meet all of the development requirements of the proposed C-3 zoning designation.

The property is located with frontage along El Paseo Road and Idaho Avenue in an area that is largely commercially zoned. The proposed zone change will make the subject property compatible with adjacent and nearby properties in terms of zoning and land use. The subject property is also located along El Paseo Road, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity uses and zoning are encouraged. The proposed zone change will also assist in helping conserve the value of the subject property and its building and those properties and buildings in the nearby area. The subject property is also located in the El Paseo Corridor Community Blueprint area where redevelopment of existing properties, such as this one, are encouraged. Any future development and redevelopment on the subject property will require to follow the goals and actions found in the El Paseo Corridor Community Blueprint.

Conclusion

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Comments were provided by the Engineering and Traffic Section of the City of Las Cruces requiring different processes and analysis for the proposed redevelopment of the subject property. These items will be required with the future redevelopment on the property. 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 compatible with and not out of character with the uses and zoning districts of the surrounding area and the El Paseo Road 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 11.314 ± acres, is zoned C-2 (Commercial Medium Intensity) and is currently a vacant commercial site.
2. The subject property currently 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 Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

ATTACHMENTS

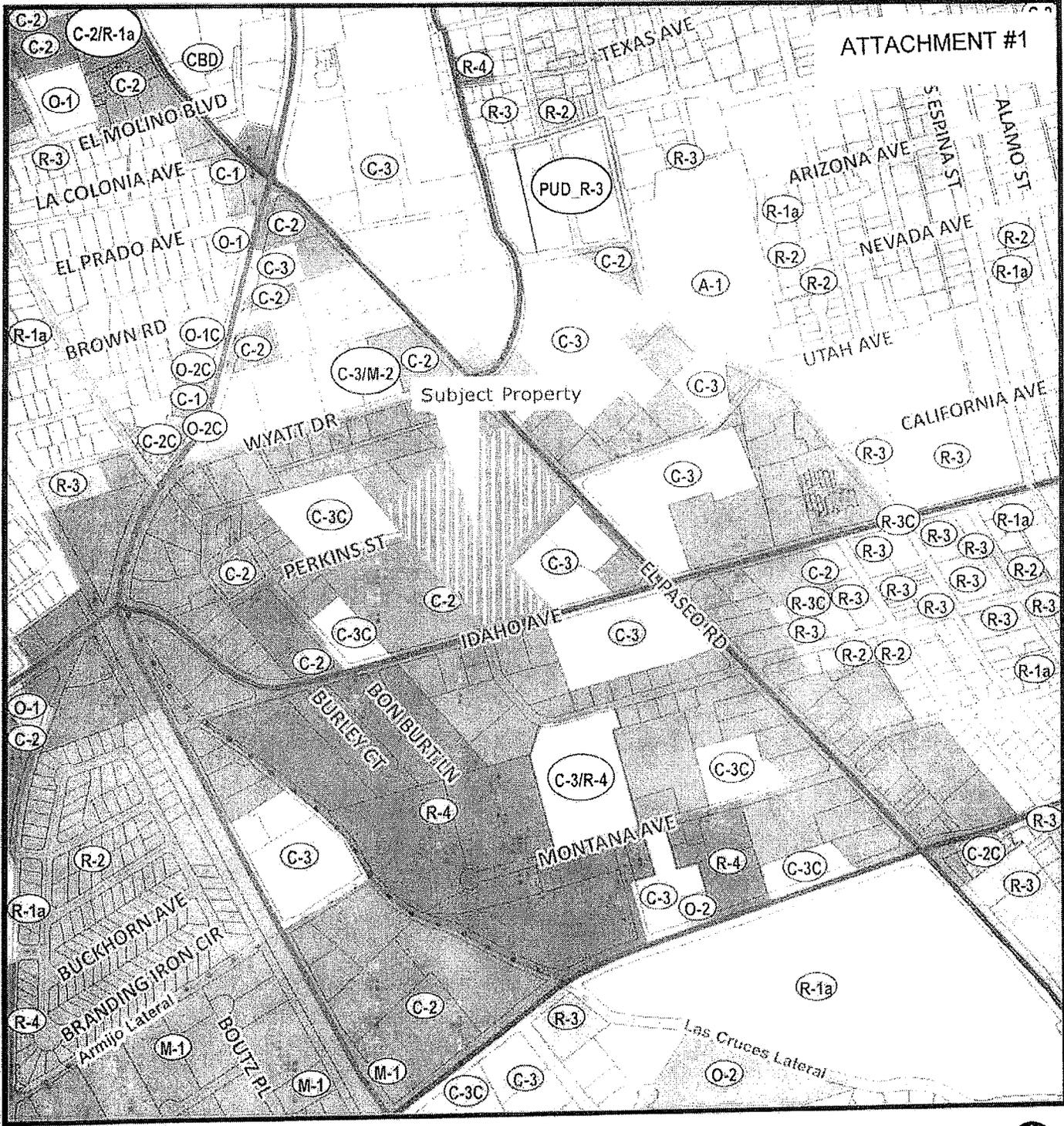
1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plan
4. Development Statement
5. Comprehensive Plan Elements and Policies

Zoning/Vicinity Map

ZONING: C-2 TO C-3
OWNER: NORTON S. KARNO

PARCEL: 02-07425
DATE: 9/2/2014

ATTACHMENT #1



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

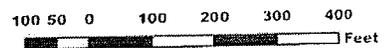
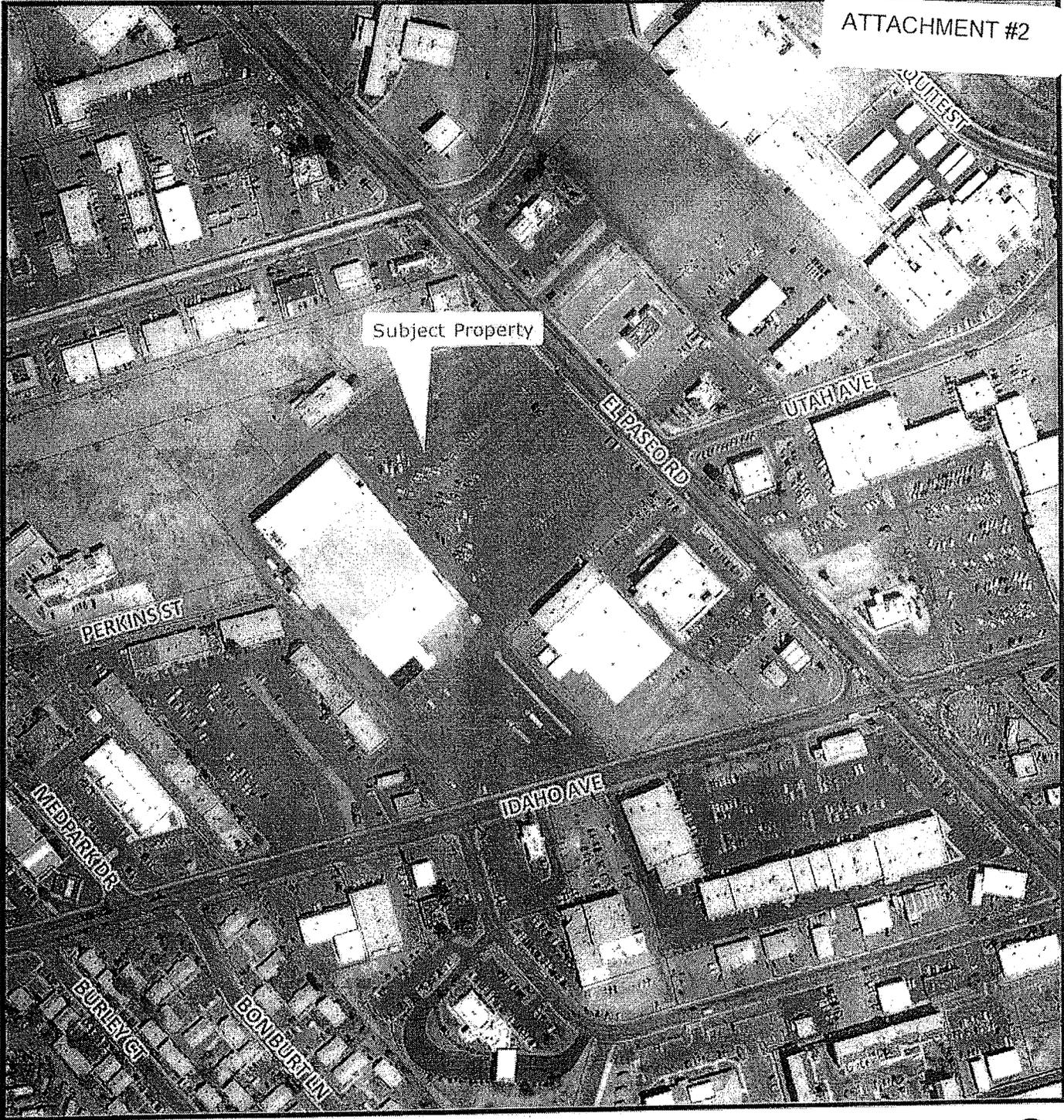
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors, or omissions are encouraged to contact the City (575) 528-3043.

209
Aerial Map

ZONING: C-2 TO C-3
OWNER: NORTON S. KARNO

PARCEL: 02-07425
DATE: 9/2/2014

ATTACHMENT #2



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

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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: Zoe Development IV, LLC
Contact Person: Joshua Simon or Vespyr Nadolny
Contact Phone Number: 480-745-1956
Contact e-mail Address: joshua@simoncre.com or vespyr@simoncre.com
Web site address (if applicable): _____

Proposal Information

Name of Proposal: Former Kmart Plat

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
In-fill development

Location of Subject Property 1240 El Paseo Road, Las Cruces, New Mexico

(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: 11.314 acres

Detailed description of **current** use of property. Include type and number of buildings:

Zoned C-2, (1) vacant commercial retail building

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

Former Kmart building to remain and 3 out parcels to be created for future uses allowed under C-3 zoning.

Zoning of Subject Property: C-2

Proposed Zoning (if applicable): C3

Proposed number of lots 4, to be developed in 1 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):

n/a

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

n/a

Anticipated traffic generation n/a trips per day.

Anticipated development schedule: work will commence on or about n/a

and will take n/a to complete.

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

Existing (n/a)

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. We will address when outparcels are developed and TI plans are

submitted for Kmart site renovation.

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? Yes _____

Are there existing buffers on the property? No. _____

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

If yes, is it paved? Yes x No ___

How many spaces? _____ How many accessible? _____

Attachments

Please attach the following: (* indicates optional item)

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

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 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
 12 1. August 26, 2014 - Regular Meeting

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

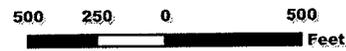
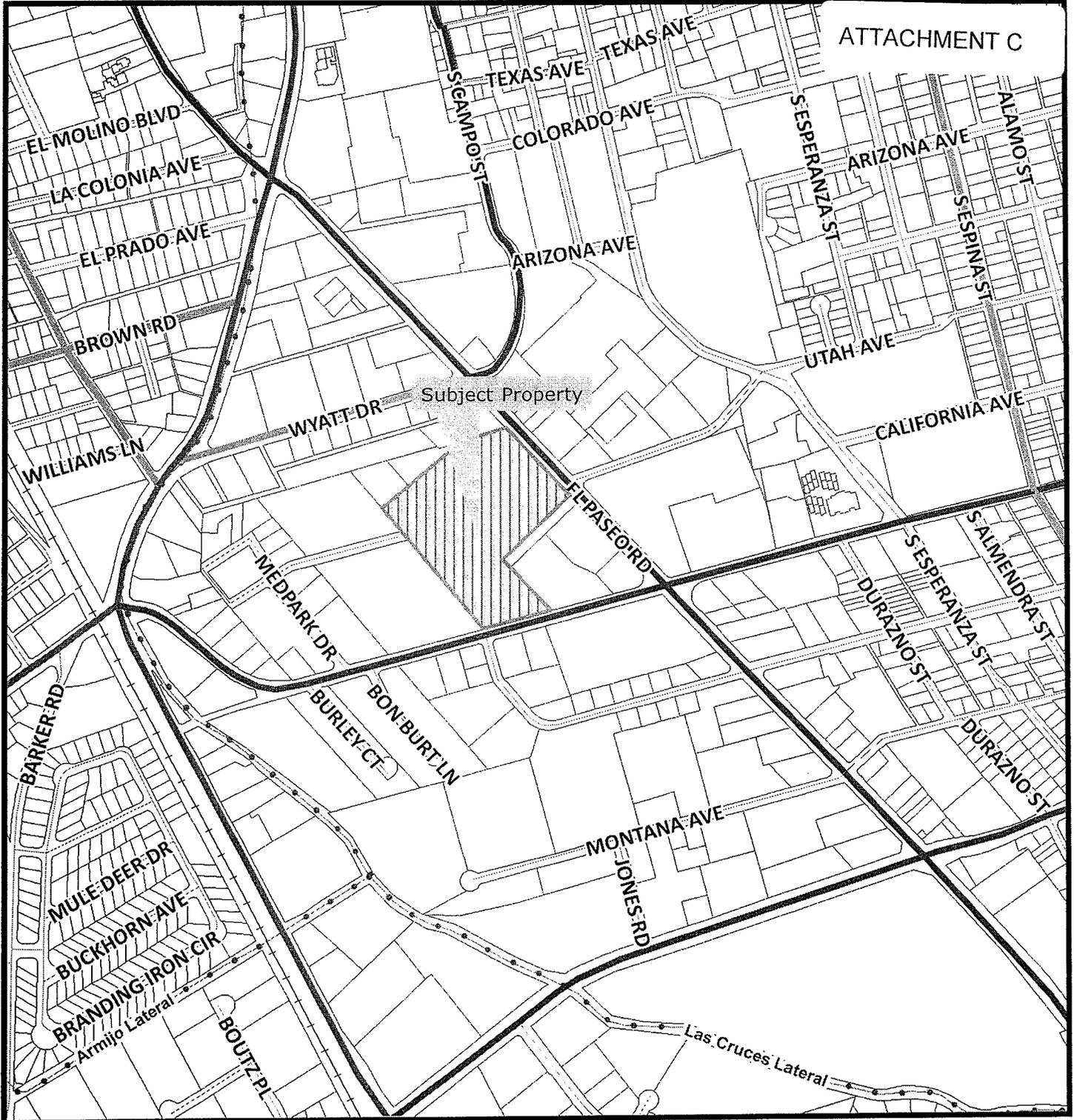
40 Crane: We move onto new business. We handle this a little bit differently from
 41 the consent agenda; in this case there will be debate. At first a member of
 42 the Community Development Department will make a presentation.
 43 Commissioners may have questions. Then we ask the representative of
 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

ZONING: C-2 TO C-3
OWNER: K MART CORP #3058

218

PARCEL: 02-07425
DATE: 09/23/2014

ATTACHMENT C



Community Development Department
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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.