

266  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 13      Ordinance/Resolution# 2751

For Meeting of April 6, 2015  
 (Ordinance First Reading Date)

For Meeting of April 20, 2015  
 (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 AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A 7.31 ± ACRE PORTION OF A LARGER TRACT LOCATED AT THE SOUTHWEST CORNER OF TASHIRO DRIVE AND VALLEY DRIVE. SUBMITTED BY GALLOWAY & COMPANY, INC. ON BEHALF OF D & R, INC., PROPERTY OWNER (Z2883).

**PURPOSE(S) OF ACTION:**

Zone change.

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

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The proposed zone change is for a property located on the southwest corner of Tashiro Drive and Valley Drive directly south of the Robledo Ridge Apartment Complex. The subject property is currently vacant agricultural land and is zoned A-2 (Rural Agricultural District from the 1981 Zoning Code). The applicant is seeking to subdivide a 7.31 ± acre portion from the larger agricultural tract to develop a new grocery store with a drive-thru pharmacy, a fueling station and a separate 1 acre out parcel for future commercial development. The proposed C-3 (Commercial High Intensity) zoning designation will facilitate the use of the property as proposed by the applicant. The proposed zone change will bring the subject property into zoning compliance with the 2001 Zoning Code, as amended, since the existing A-2 zoning designation no longer exists. The subject property is also located along Valley Drive, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity commercial zoning and uses are encouraged.

On February 24, 2015 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 6-0-0, (one Commissioner absent). During the

meeting a member from the public, a local business owner, voiced his concerns with the proposed new development. The member of the public had concerns with the potential traffic issues that the new development might bring to Tashiro Drive and the surrounding area. The member of the public also had concerns with the negative effects the proposed new development may bring to the existing nearby local businesses. Please see Attachment "B" for a more detailed description of what occurred at the P&Z meeting. Staff received no public input about the proposed zone change before the meeting.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2883.
5. Attachment "B", Draft Minutes from the February 24, 2015 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
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**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 7.31 ± acres will be rezoned from A-2 (Rural Agricultural District from the 1981 Zoning Code) 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 A-2 (Rural Agricultural District from the 1981 Zoning Code) will remain on the subject property and the proposed development will not be permitted to be developed. 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. N/A

**COUNCIL BILL NO.** 15-032  
**ORDINANCE NO.** 2751

**AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A 7.31 ± ACRE PORTION OF A LARGER TRACT LOCATED AT THE SOUTHWEST CORNER OF TASHIRO DRIVE AND VALLEY DRIVE. SUBMITTED BY GALLOWAY & COMPANY, INC. ON BEHALF OF D & R, INC., PROPERTY OWNER (Z2883).**

The City Council is informed that:

**WHEREAS**, Galloway & Company, Inc. on behalf of D & R, Inc., the property owner, has submitted a request for a zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity) for the 7.31 ± acre portion of a larger tract located on the southwest corner of Tashiro Drive and Valley Drive; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on February 24, 2015, recommended that said zone change request be approved by a vote of 6-0-0, (one Commissioner absent).

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

**(I)**

**THAT** the land as reflected 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 \_\_\_\_\_ 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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

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

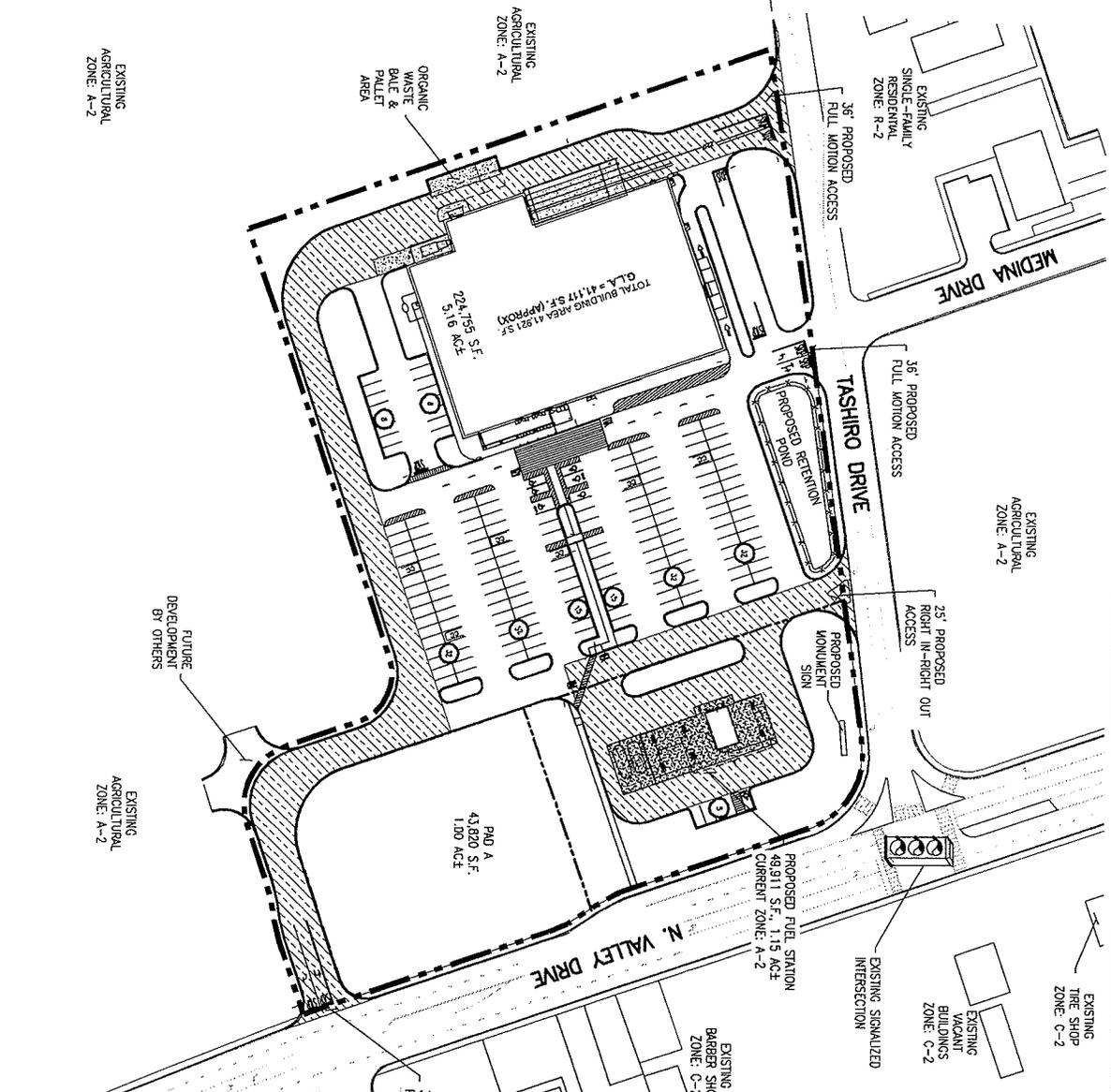
APPROVED AS TO FORM:

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

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_

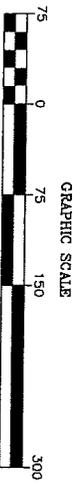
EXHIBIT A



PARKING RATIO	
BUILDING SQ.FT. NO. of SPACES	RATIO
COMBINED BUILDING AREA	42,861
GROCERY	41,921
FUEL KIOSK	740
	173
	168
	5
	4.06/1,000 S.F.
	4.01/1,000 S.F.
	6.76/1,000 S.F.

NOTES:  
 1. COMBINED BUILDING AREA INCLUDES TOTAL BUILDING AREA FOR GROCERY (41,921 SF) AND FUEL STATION KIOSK (740 SF).  
 2. PARKING STALL SIZE = 9.5' WIDTH X 19.0' DEPTH (MINIMUM PARKING STALL DEPTH REQUIRED BY CITY IS 19')

CONCEPTUAL/REC SITE PLAN



LEGEND

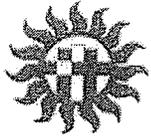
- ⑤ PARKING STALL COUNT
- ▬ PROPOSED SIGNAGE
- ▬ CART CORRAL
- ▬ NEW HEAVY DUTY CONCRETE PAVEMENT
- ▬ NEW STANDARD DUTY ASPHALT CONCRETE PAVING
- ▬ NEW HEAVY DUTY ASPHALT CONCRETE PAVING
- ▬ PROPOSED FENCE

ACREAGE SUMMARY in ACRES	
GROCERY	5.46±
FUEL STATION	1.15±
PAD A	1.00±
TOTAL SITE	7.31±

<p>TASHIRO AND VALLEY LAS CRUCES, NEW MEXICO</p>	<p>Galloway Planning, Architecture, Engineering 2000 N. Mescalero Blvd., Suite 100 Las Cruces, NM 88001 Tel: 505.646.7777 Fax: 505.646.7778 www.galloway.com</p>	<p><b>GROCERY STORE</b>  <b>LETTER SIZE REC PLAN</b>                  DATE: 10/30/2014</p>
<p>3.2</p>		

**Findings**

1. The subject property is currently zoned A-2. 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)
2. The proposed zone change to C-3 will also facilitate the development of two different yet compatible land uses that will provide convenience and functionality to those who may live and work in this area of town. (Comprehensive Plan 2040 Chapter 4 Healthy Community, Goal 1, Policy 1.4)
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 are encouraged. (Comprehensive Plan 2040 Chapter 7 Sustainable Growth, Goal 32, Policy 32.3)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts along Valley Drive; 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: February 24, 2015  
Drafted by: Adam Ochoa, Planner *AO*

**CASE #** Z2883      **PROJECT NAME:** Southwest corner of Tashiro Dr. & Valley Dr. (Zone Change)

**APPLICANT/ REPRESENTATIVE:** Galloway & Company, Inc.      **PROPERTY OWNERS:** D & R, Inc.

**LOCATION:** The southwest corner of Tashiro Dr. and Valley Dr.      **COUNCIL DISTRICT:** District 4 (Councillor Small)

**SIZE:** 7.31 ± acres      **EXISTING ZONING/ OVERLAY:** A-2 (Rural Agricultural District from the 1981 Zoning Code)

**REQUEST/ APPLICATION TYPE:** Zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

**EXISTING USE:** Vacant agricultural land

**PROPOSED USE:** A grocery store with a drive-thru pharmacy, a fueling station and a separate 1 acre commercial out parcel for future commercial development

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

**TABLE 1: CASE CHRONOLOGY**

Date	Action
December 23, 2014	Application submitted to Development Services
December 29, 2014	Case sent out for review to all reviewing departments
January 6, 2015	Final comments returned by all reviewing departments
January 15, 2015	Staff reviews and recommends approval of the zone change
February 6, 2015	Public notice letter mailed to neighboring property owners
February 8, 2015	Newspaper advertisement
February 6, 2015	Sign posted on property
February 24, 2015	Planning and Zoning Commission public hearing

## SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is seeking to rezone a 7.31 ± acre portion of a larger agricultural tract from A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity). The proposed zone change would facilitate the subdivision and development of a new grocery store and fueling station with a 1 acre out parcel for future commercial development. The proposed zone change is the required initial step for the proposed development. A formal subdivision and road improvements to Tashiro Drive are also required before the development can come into fruition.

**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	41.66 ± acres	7.31 ± acre portion	21,780 sq. ft. (0.50 acres) minimum / No maximum
Lot Width	936 ± feet	502 ± feet	60 feet minimum
Lot Depth	1,782 ± feet	632 ± feet	70 feet minimum
Structure Height	N/A	Unknown	60 feet maximum
Setbacks			
Front	N/A	Unknown	15 feet minimum
Secondary Front	N/A	Unknown	15 feet minimum
Side	N/A	Unknown	5 feet minimum
Rear	N/A	Unknown	15 feet minimum
Accessory Structure	N/A	N/A	N/A
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	N/A	N/A	15%

**TABLE 3: SPECIAL CHARACTERISTICS**

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

**TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION**

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant agricultural land	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
North	Undeveloped/Multi-family residential living	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)/ R-2 (Multi-Dwelling Low Density)
South	Commercial/Single-family dwellings	N/A	C-2 (Commercial Medium Intensity)/R-1a (Single-Family Medium Density)
East	Commercial uses	N/A	C-2 (Commercial Medium Intensity)
West	Vacant agricultural land	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)

**TABLE 5: PARCEL HISTORY**

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A

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

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	Yes <ul style="list-style-type: none"> <li>• Be advised that road improvements, a drainage analysis, FEMA letter of map change process analysis and a traffic impact analysis will be required upon subdivision and/or development</li> </ul>
CLC Parks	Yes	No
CLC Land Management	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	Yes <ul style="list-style-type: none"> <li>• Water rights are a prerequisite upon future development</li> </ul>

### SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

#### Decision Criteria

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of this Code, Section 38-2 and 36-1 of the Sign Code, when appropriate, and determine whether the request is consistent or inconsistent with stated criteria. The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

1. Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
2. Unreasonably increase the traffic in public streets.
3. Increase the danger of fire or endanger the public safety.
4. Deter the orderly and phased growth and development of the community.
5. Unreasonably impair established property values within the surrounding area.
6. In any other respect impair the public health, safety or general welfare of the city.
7. Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change which is out of harmony with the comprehensive plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

As mentioned above, Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended, identifies the Purposes and Intent of the Zoning regulations and should also be utilized as part of the decision criteria. The relevant purpose and intent statements to the proposed rezoning are:

- A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- M. Foster a more rational relationship between different land uses for mutual benefits for all.

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

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

#### Applicable Comprehensive Plan Elements & Policies

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

Chapter 4 Healthy Community (Balanced Development)

1. Goal 1, Policy 1.4

Chapter 5 Community Character (Flexible Design & Positive Image)

1. Goal 19, Policy 19.12
  2. Goal 19, Policy 19.27
- Chapter 7 Sustainable Growth (Vibrant Planning Areas, Neighborhoods and Districts)
1. Goal 32, Policy 32.3

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

### **Analysis**

The subject property is located along Valley Drive, an area that is largely zoned commercial and made up of various commercial uses. The proposed zone change will bring the subject property into compliance with the 2001 Zoning Code, as amended, since the existing A-2 zoning designation no longer exists. The proposed zone change will also facilitate the development of two different yet compatible land uses that will provide convenience and functionality to those who may live and work in this area of town. The two proposed different uses also have a rational relationship that will provide mutual benefits for both uses. The subject property is also located along Valley Drive, a principal arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity commercial uses and zoning are encouraged.

### **Conclusion**

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Any and all right-of-way and utility improvements and applicable studies and analysis will be required during the subdivision and development stages of the proposed development. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the policies of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed C-3 zoning district is harmonious with and not out of character with the uses and existing zoning districts of the surrounding area.

### **DRC RECOMMENDATION**

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

### **STAFF RECOMMENDATION**

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

### **FINDINGS FOR APPROVAL**

1. The subject property is currently zoned A-2. 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)
2. The proposed zone change to C-3 will also facilitate the development of two different yet compatible land uses that will provide convenience and functionality to those who may live and work in this area of town. (Comprehensive Plan 2040 Chapter 4 Healthy Community, Goal 1, Policy 1.4)
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 are encouraged. (Comprehensive Plan 2040 Chapter 7 Sustainable Growth, Goal 32, Policy 32.3)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts along Valley Drive; 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**

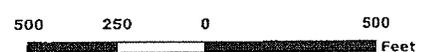
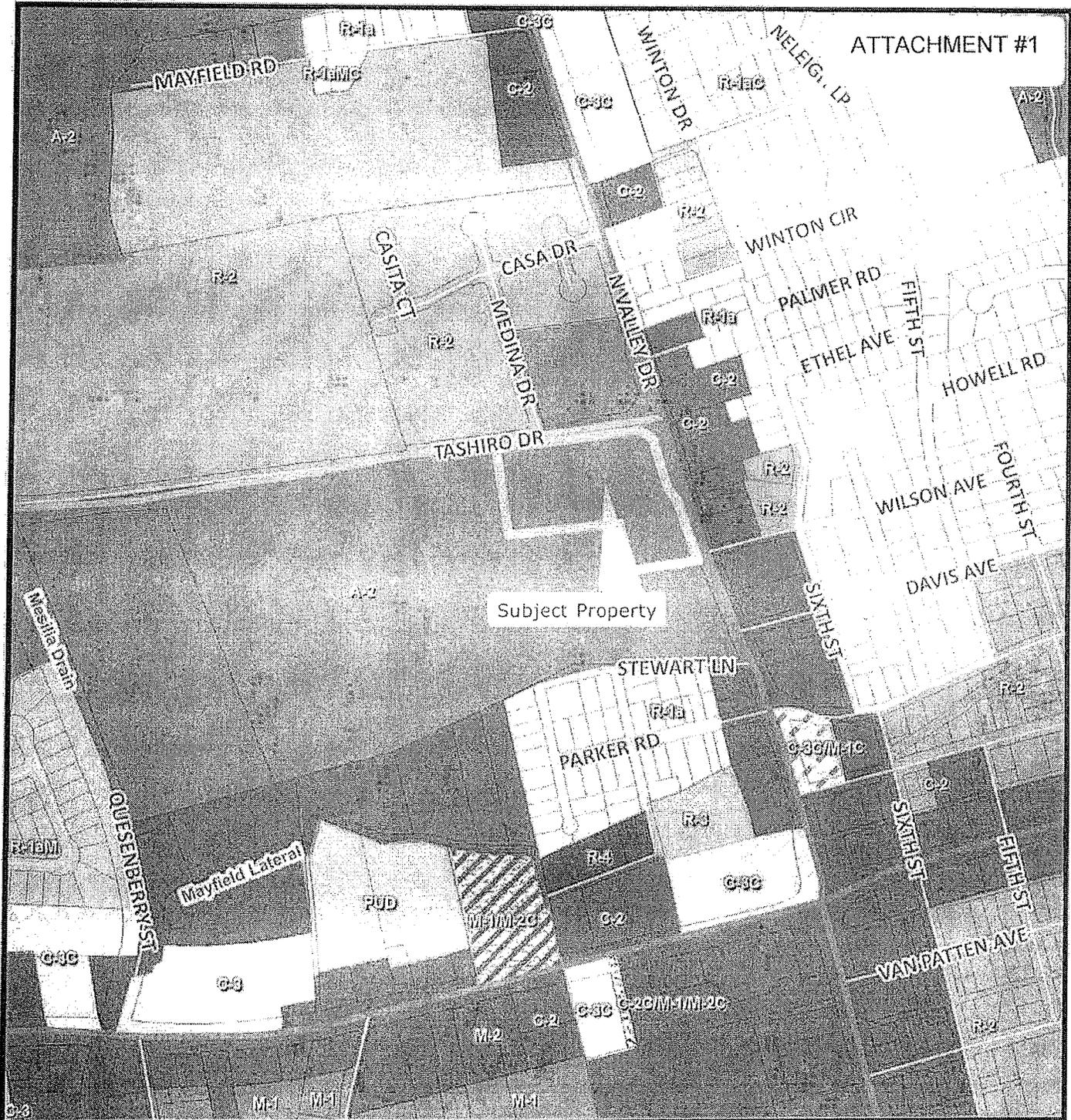
1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plan
4. Development Statement
5. Comprehensive Plan Elements and Policies

ZONING: A-2 TO C-3  
OWNER: D & R, INC.

# VICINITY MAP

PARCEL: 02-26715  
DATE: 02/09/2015

ATTACHMENT #1



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

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

ZONING: A-2 TO C-3  
OWNER: O & R, INC.

# AERIAL MAP

PARCEL: 02-26715  
DATE: 02/09/2015

ATTACHMENT #2

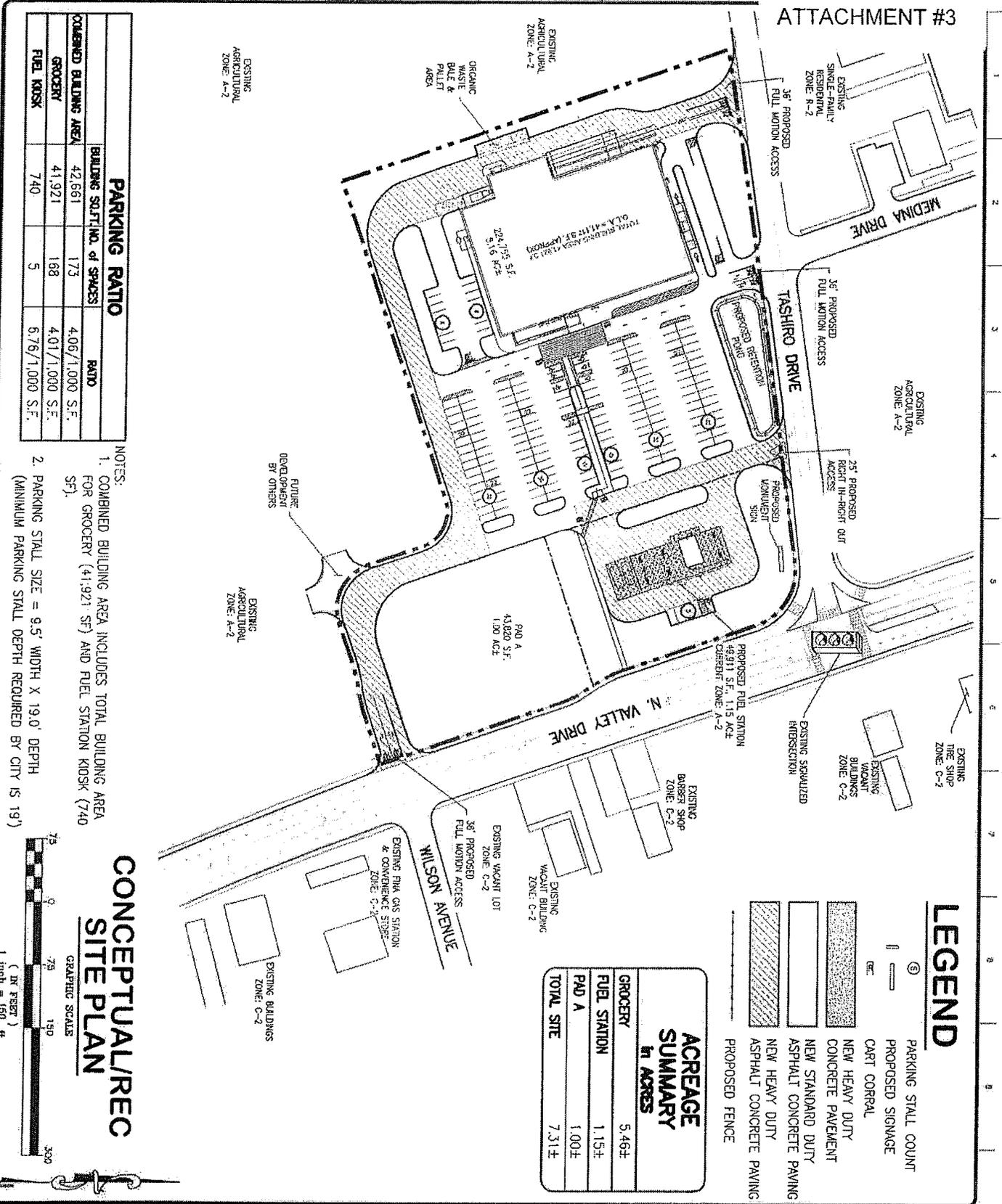


Subject Property



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

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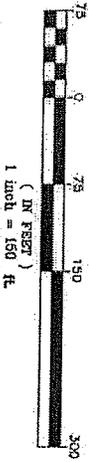
PARKING RATIO		
COMBINED BUILDING AREA	BUILDING SQ.FT./NO. of SPACES	RATIO
GROCERY	41,921 / 173	4.06/1,000 S.F.
FUEL KIOSK	740 / 5	6.76/1,000 S.F.

NOTES:

1. COMBINED BUILDING AREA INCLUDES TOTAL BUILDING AREA FOR GROCERY (41,921 SF) AND FUEL STATION KIOSK (740 SF).
2. PARKING STALL SIZE = 9.5' WIDTH X 19.0' DEPTH (MINIMUM PARKING STALL DEPTH REQUIRED BY CITY IS 19')

CONCEPTUAL/REC SITE PLAN

GRAPHIC SCALE



LEGEND

- (S) PARKING STALL COUNT
- PROPOSED SIGNAGE
- CART CORRAL
- NEW HEAVY DUTY CONCRETE PAVEMENT
- NEW STANDARD DUTY ASPHALT CONCRETE PAVING
- NEW HEAVY DUTY ASPHALT CONCRETE PAVING
- PROPOSED FENCE

ACREAGE SUMMARY In Acres	
GROCERY	5.46±
FUEL STATION	1.15±
PAV A	1.00±
TOTAL SITE	7.31±

TASHIRO AND VALLEY  
LAS CRUCES, NEW MEXICO



GROCERY STORE  
LETTER SIZE REC PLAN  
DATE: 10/30/2014

## 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: Galloway & Company, Inc.  
 Contact Person: Matt Loevenguth  
 Contact Phone Number: 303-770-8884  
 Contact e-mail Address: MattLoevenguth@GallowayUS.com  
 Web site address (if applicable): \_\_\_\_\_

### Proposal Information

Name of Proposal: Grocery Store & Fuel Station  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)  
Commercial

Location of Subject Property SWC of Tashiro Drive & N Valley Drive.

(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 7.31 Acres

Detailed description of **current** use of property. Include type and number of buildings:  
The property is currently agricultural use with no existing  
buildings or structures.

Detailed description of **intended** use of property. (Use separate sheet if necessary):  
We are proposing a 41,921 SF grocery store with drive thru pharmacy  
and a 12 bay fuel station with 740 SF kiosk on approximately  
6.31 acres. There is also a 1.00 acre pad site which brings the  
total acreage of the proposed development to 7.31 acres.

Zoning of Subject Property: A2

Proposed Zoning (If applicable): C3

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

Proposed square footage range of homes to be built from NA to NA

Proposed square footage and height of structures to be built (if applicable):  
Grocery: 41,921 SF & 35 FT Tall Fuel: 754 SF & 20 FT Tall.

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

Anticipated traffic generation 2,744 new & 1,542 pass by trips per day.

Anticipated development schedule: work will commence on or about Fall 2015  
and will take approximately 6 to 9 months to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?  
On lot retention pond and regional detention facility.

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). Not at this time.

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? Not at this time.

Are there existing buffers on the property? This site is currently vacant.

Is there existing parking on the property? Yes \_\_\_ No X

If yes, is it paved? Yes \_\_\_ No \_\_\_

How many spaces? NA How many accessible? NA

**Attachments**

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information

## Comprehensive Plan Elements & Policies

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

### Land Use:

#### Chapter 4 Healthy Community

##### Subsection: Balanced Development

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

#### Chapter 5 Community Character

##### Subsection: Flexible Design & Positive Image

##### Policies:

- 19.12 Follow mitigation techniques in the City Code, as amended, related to buffering, spacing between uses, site design, and architectural controls as a means to place potentially incompatible uses adjacent to one another to encourage flexibility in land use that provides for compatibility and quality design.
- 19.27 Support a policy of mixed land uses which are not traditionally considered compatible that may be located next to one another depending upon design features and compatibility with the adjacent area as a result of the mixed land use policy of this Comprehensive Plan. Those uses with lower intensities must be protected from any negative impacts from adjacent uses with higher intensities in order to protect a desirable quality of life within the city.

### Regional Commercial (C-3):

#### Chapter 7 Sustainable Growth

##### Subsection: Vibrant Planning Areas, Neighborhoods and Districts

##### Policies:

- 32.3 Regional commercial uses shall be defined as those high intensity commercial uses which generate considerable auto-oriented traffic. Such uses conduct retail, service, and wholesale activities on a large volume basis and generally have at least one anchor tenant. These uses are intended to serve the needs of those within a four-plus mile radius. Regional commercial uses (single) and centers generally serve a population greater than 50,000 people and should be established according to the following criteria:
- a. Single uses are generally greater than 75,000 gross square feet commercial use. A regional commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
  - b. Regional commercial uses and centers shall be located at the intersection of

major arterial streets and limited access highways. Location at intersections with a major arterial streets and mid-block locations shall be considered on a case-by-case basis using context criteria and assessment of impacts to the area. Multiple access points serving this use is typical and should not have any secondary egress/ingress from any roadway designated below collector status.

- c. The City shall pursue multi-modal access standards of auto, bicycle, pedestrian, and transit for regional commercial uses and centers.
- d. Regional commercial development shall address the following urban design criteria of compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas.
- e. Adequate space for functional circulation shall be provided for parking and service areas.
- f. Encourage regional commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. Regional commercial uses and centers should not locate adjacent to rural or low density residential uses.

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
February 24, 2015 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Kirk Clifton, Member

**STAFF PRESENT:**

Robert Kyle, Build and Development Administrator, CLC  
Adam Ochoa, Planner, CLC  
Lorenzo Vigil, Planning Technician, Sr., CLC  
Mark Dubbin, CLC Fire Department  
Pete Connelly, CLC Deputy City Attorney  
  
Becky Baum, Recording Secretary, RC Creations, LLC

**I. CALL TO ORDER (6:00 p.m.)**

Crane: Good evening ladies and gentlemen. In spite of what it says on the screens in front of you this is not the City Council. We are much better, we are not politicians. Sorry Nathan. Oh, this is better. Welcome to the Planning and Zoning Commissioner meeting for the 24th of February, 2015. I'll start as we usually do by introducing the Commissioners present. On my far right is Commissioner Gordon who is the Mayor's appointee. Then Commissioner Stowe who represents District 1. Commissioner Ferrary, Council District 5. Commissioner Alvarado, Council District 3. Commissioner Beard who is also our secretary, Council District 2. And I should've mentioned that Commissioner Stowe is our Vice Chairman. I'm Godfrey Crane the Chairman and I represent District 4.

**II. CONFLICT OF INTEREST**

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

- 1 Ferrary: I'll second it.  
2
- 3 Crane: Seconded by Ms. Ferrary. Let's start with Mr. Gordon, roll call. Your vote  
4 sir.  
5
- 6 Gordon: I vote yes based on findings, site visit, and staff discussion.  
7
- 8 Crane: Okay. Mr. Stowe.  
9
- 10 Stowe: I vote aye based on findings, discussion, and site visit.  
11
- 12 Crane: Ms. Ferrary.  
13
- 14 Ferrary: I vote aye based on findings, discussion, and site visit.  
15
- 16 Crane: Mr. Alvarado.  
17
- 18 Alvarado: Vote yes based on findings and discussion.  
19
- 20 Crane: Thank you. Mr. Beard.  
21
- 22 Beard: I vote aye based on discussions and presentations.  
23
- 24 Crane: And the Chair votes aye based on findings, discussion, and site visit. That  
25 passes six/nothing. Thank you.  
26
- 27 4. **Case Z2883:** Application of Galloway & Company, Inc. on behalf of D & R,  
28 Inc., property owner, for a zone change from A-2 (Rural Agricultural District  
29 from the 1981 Zoning Code) to C-3 (Commercial High Intensity) on a 7.31 +  
30 acre portion of a larger agricultural tract located on the southwest corner of  
31 Valley Drive and Tashiro Drive; Parcel ID# 02-26715. Proposed Use: A  
32 proposed new grocery store, fueling station and a separate one-acre  
33 commercial out parcel for future commercial development; Council District 4  
34 (Small).  
35
- 36 Crane: Going to our final item tonight, Case Z2883, application of Galloway and  
37 company for a zone change from A-2 to C-3 on a lot at the corner of  
38 Valley Drive and Tashiro Drive. Mr. Ochoa is going to address us.  
39
- 40 Ochoa: Thank you sir. Last case for tonight is Case Z2883, request for approval  
41 of a zone change from A-2 which is rural agricultural zoning district from  
42 1981 Zoning Code to C-3 commercial high intensity.  
43 Shown here in the zoning/vicinity map, the, we're actually looking at  
44 the, it'd be the southwest corner of Valley and Tashiro. That, that corner  
45 of that larger roughly about 70 acre lot we're looking at just, I'm sorry 40  
46 acre lot, we're looking at just this portion here right on the corner. As you

1 can see here from the aerial, property is just a large vacant, part of a large  
 2 vacant agricultural property. Subject property itself encompasses  
 3 approximately 7.31 acres of that northeast portion of the original tract if  
 4 you will, agricultural tract, excuse me, zoned A-2 which is just an  
 5 agricultural land. The proposal of the applicant is to, is for a zone change  
 6 for that property from A-2 to C-3. That, this zone change is just the initial  
 7 step of the actual entire development that needs to happen on the  
 8 property. The zone change would facilitate the development of a new  
 9 grocery store and fueling station on the subject property. Another, another  
 10 process that the applicant will have to go through would be the actual  
 11 subdivision of that larger tract into the lot for the proposed grocery store  
 12 and fueling station as well as a one acre out, out, out parcel for a future  
 13 commercial development. The proposed zone change will bring the, the,  
 14 that proposed subject property into compliance since the existing A-2  
 15 zoning designation no longer exists under the current 2001 Zoning Code.  
 16 The subject property is also located along Valley Drive which is a principal  
 17 arterial roadway and Tashiro which is a collector roadway where  
 18 commercial high intensity uses and zoning are encouraged by code.

19 Shown here is just a very preliminary site plan of that area, what  
 20 that development will be looking like, grocery store here, gas station right  
 21 on the corner, and of course that outparcel here to the south along Valley  
 22 Drive. Staff has reviewed the proposed zone change and recommended  
 23 approval without conditions for the proposed zone change based on the  
 24 findings presented in staff report. Planning and Zoning Commission is a  
 25 recommending body to City Council for all zone changes. With that ladies  
 26 and gentlemen your options tonight for this case is: 1) to vote yes to  
 27 approve the request as recommended by staff for Case Z2883; 2) to vote  
 28 yes and approve the request with conditions deemed appropriate by the  
 29 Commission; 3) to vote no and deny the request; or 4) table and postpone  
 30 and direct staff accordingly. Staff did not receive any public input for this  
 31 proposed zone change at this, when mail-outs were sent out nor during,  
 32 right before this meeting so nothing was received by staff. Other than  
 33 that, that is the conclusion of my presentation. I stand for questions and  
 34 the applicants are here as well if you have any questions for them and  
 35 they can present for you as well.

36  
 37 Crane: Thank you Mr. Ochoa. Commissioners any questions for Mr. Ochoa?  
 38 Commissioner Ferrary.

39  
 40 Ferrary: You said that the staff recommended without conditions and yet there  
 41 were conditions from the engineering, has that been resolved for the  
 42 drainage analysis and road improvements?  
 43

44 Ochoa: Mr. Chairman, Commissioner Ferrary. She approved, the engineering  
 45 department approved that with conditions, just kind of bringing up points  
 46 that all those issues of a drainage analysis, traffic impact analysis, road

- 1 improvements, and so on and so forth will be required for this  
 2 development on a later phase which would be either, if, if you continue on  
 3 that it's either during the subdivision of the property, which the subdivision  
 4 has been submitted to us and will be coming before you for a review. So  
 5 during that subdivision phase or the actual development phase of the  
 6 property, which will be taken care of administratively. So those are issues  
 7 that will be taken care of way before this can built. This is just the initial  
 8 phase of that zone change to start the process essentially.  
 9
- 10 Ferrary: Does that also apply to the water rights that they're saying are prerequisite  
 11 for future development?  
 12
- 13 Ochoa: Mr. Chairman, Commissioner Ferrary. That is correct. That is something  
 14 they would have to iron out with our utilities department before they could  
 15 get their development underway.  
 16
- 17 Ferrary: Thank you.  
 18
- 19 Crane: Commissioner Gordon.  
 20
- 21 Gordon: Adam do you have any idea as to when they might be starting this  
 22 project?  
 23
- 24 Ochoa: Mr. Chairman, Commissioner Gordon. I'll leave that up to the applicant.  
 25 But they are still just from the City standpoint, they still have a decent  
 26 amount of processes they need to go through; one being the subdivision  
 27 of the property which will have to require a public hearing here before you  
 28 all for, for, for approval as well as the actual development, I'm sorry, the  
 29 building permitting process that will have to go through but hopefully they  
 30 can give you a better understanding of when they're hoping to get their  
 31 project ...  
 32
- 33 Gordon: If zoning approval is granted and it's, it's given, what is it C ... whatever,  
 34 C, C-3 and, and the project is delayed, will they be able to continue to  
 35 farm the land?  
 36
- 37 Ochoa: Mr. Chairman, Commissioner Gordon. That portion of that property I, it is  
 38 not allowed for farming any more as C-3 is not permitted, that use is not  
 39 permitted in the C-3 zoning designation sir.  
 40
- 41 Gordon: And if they change their mind and they want to go back to farming they'd  
 42 have to come back to reverse this?  
 43
- 44 Ochoa: Mr. Chairman, Commissioner Gordon. That is correct.  
 45
- 46 Crane: Any other questions for Mr. Ochoa? Thank you. The developer here, the

1 applicant or representative.  
2  
3 Henry: Good evening Mr. Chairman. My name is Michelle Henry.  
4  
5 Crane: Okay Ms. Henry do you swear or affirm that the testimony you are about  
6 to give is the truth and nothing but the truth under penalty of law?  
7  
8 Henry: Yes I do.  
9  
10 Crane: Go ahead please.  
11  
12 Henry: Mr. Chairman I am an attorney. I'm working with the, the project  
13 developer. We also have with us our engineer and our architects. As  
14 Adam said this is the first step in a several step process. And so if we  
15 can't get the zone change there's no point in, in moving anything else  
16 forward because this zone change is required in order to have the grocery  
17 store and the fuel station uses. So we're, we're just here for a zone  
18 change tonight. You'll see more of us and to answer the gentleman's  
19 question Mr. Chairman, my client would like to begin the project as soon  
20 as possible, so we are looking at 2015 or 2016 start date. There is a lot of  
21 work before we, we can get there. We do have as, as we mentioned  
22 several trips here to see you and so as soon as we get through that  
23 process I think they would like to get, would like to get things open  
24 because there's, you know that's how they make money is, is through the  
25 grocery sales and, and the fuel station sales. So they would like to get  
26 started as soon as they can. I did want to point out, I, I want to commend  
27 your staff. I think the staff report is very nicely done. I want to draw your  
28 attention to the findings for approval. I think those are, are well stated and  
29 they do support the zone change. I also wanted to mention from a  
30 lawyer's perspective you know we, we like to say what does the Supreme  
31 Court look at and that's the mistake or change rule. So if there was a  
32 mistake in the original zoning which there wasn't, or changed  
33 circumstances, so a changed neighborhood or community conditions  
34 justify the change. And I think that's exactly what we have going on here.  
35 You know the City has built up around an area that was farmed historically  
36 but it's, you know now the, the farmer, the owner would like to go ahead  
37 and at least here in the northeast corner bring in the commercial  
38 development that, that is appropriate up and down Valley. So those  
39 changed community conditions I think also support the zone change. And  
40 so with, with that I'll stand for any questions, but we do urge your support  
41 of the zone change, we'd like to move this forward and think that it, it is a  
42 good project for this, for this part of the community.  
43  
44 Crane: Thank you Ms. Henry. Mr. Beard has a question.  
45  
46 Beard: Out of curiosity, and I'm sure that the people of that area would like to

1 know if you have in mind what kind of a grocery store or what pharmacy  
2 that you're going to put in?  
3  
4 Henry: Mr. Chairman, Commissioner Beard. I, with all due respect, I, we're not  
5 allowed to disclose that and I'll tell you why. Because people will get,  
6 when they hear that something's coming they get invested in that. And  
7 there are many steps before we could actually open. If anything were to  
8 go wrong, we get a little push back from customers who, who say why  
9 didn't you come, why didn't you come. So we need to be a little further  
10 down the process before, before we can make that public.  
11  
12 Beard: Thank you.  
13  
14 Henry: Thank you.  
15  
16 Crane: Anyone else have a question for Ms. Henry? Thank you.  
17  
18 Henry: Thank you.  
19  
20 Crane: Does your client want to speak? Okay. Thank you. Any member of the  
21 public? Gentleman at the back.  
22  
23 Andrade: Mr. Chairman, Members of the Council. My name is Oscar Andrade.  
24  
25 Crane: Andrade.  
26  
27 Andrade: Yes sir.  
28  
29 Crane: Mr. Andrade do you swear or affirm that the testimony you are about to  
30 give is the truth and nothing but the truth under penalty of law?  
31  
32 Andrade: Yes sir I do.  
33  
34 Crane: Go ahead please.  
35  
36 Andrade: I represent Pic-Quik Stores Incorporated which is on the corner, I actually  
37 own Pic-Quik and, and I have with me all of my management team that  
38 relies on the income of that store. And I wish I could tell you that that  
39 would be a valid reason in itself to not approve this development. I will  
40 disclose to you what is going in there, it's a Wal-Mart neighborhood store.  
41 Galloway and Company represent Wal-Marts. What is planned for that  
42 location is what they call the Wal-Mart neighborhood store which you may  
43 have seen in El Paso and is now coming to Las Cruces based on this. So  
44 I also have the, own the property on Parker Road which is a little bit  
45 further south on Wilson, we have the Pic-Quik on Wilson Drive. And my  
46 intentions were to obviously rebuild a new location here in 2015. This

1 would have a drastic change in that doing so. So I would ask you know  
2 just that this be declined just to the fact that it would destroy many  
3 businesses up and down Valley Drive. You have the Sav-Mart located  
4 just less than a mile south of Picacho Drive that would be devastated and  
5 destroyed.

6 One of the things that Wal-Mart does as you all know is that they  
7 come in, they sell below cost, they sell fuel below cost, they sell beer  
8 below cost which is their intent and wipe out independent. We have been  
9 in business in Las Cruces since 1958. I've owned and operated Pic-Quik  
10 since 1994. You can understand that is not a legal reason to decline this  
11 zoning but I do want to disclose that. Ms. Nolan is not here, she had just  
12 left, but I do have several concerns, one of them is Tashiro Road. As you  
13 all know Tashiro Road goes to the Field of Dreams and the traffic on that  
14 street now cannot handle the residential or the traffic from the Field of  
15 Dreams, so if you all were to consider to approve this I would ask as a  
16 condition of approval for the rezoning that the developer pay for Tashiro  
17 Road to go to a four-lane road with a center turning lane. You also have  
18 heard Scott Bannister is planning a baseball field behind, in the same field  
19 right behind this Wal-Mart location and so you can only imagine the  
20 amount of traffic that would be coming through Tashiro road. So as it's  
21 drawn I'm really surprised that the City would approve this because I  
22 looked at buying this property about seven years ago and the first thing  
23 that was stated to me was that I would have to pay for the widening of  
24 Tashiro Road. And so I'm very surprised that the City would suggest  
25 approval of this without a condition of widening Tashiro Road and also a  
26 stop signal at that location. As you can see as proposed there is not a  
27 stop signal and as you can see Tashiro Road is still a two-lane road.

28  
29 Crane: Thank you Mr. Andrade. Don't go away. Mr. Ochoa can you address this  
30 matter of the road widening and before you get there, Ms. Henry I assume  
31 you don't want to address this issue or do you?

32  
33 Henry: *(Speaking, not at the microphone.)*

34  
35 Crane: Do, do you want to come up? Okay hold, hold it for a minute. I just  
36 wanted to pack a few things close together. Okay Mr. Ochoa.

37  
38 Ochoa: Mr. Chairman as I stated before this is the initial phase of this. The  
39 property, the applicants will have to subdivide the property as well which  
40 will kick in that road improvement requirement so they will have to provide  
41 improvements or payment in lieu of on Tashiro Drive that southern portion,  
42 to widen out Tashiro Drive. The, because it is part of the subdivision for  
43 the entire length of that, that area that they're going to be subdividing. So  
44 they are essentially as stated before on the hook for building out that  
45 portion of Tashiro Drive.  
46

- 1 Crane: To what, to what standards, four-lane with a center turning lane, five-  
2 lanes?  
3
- 4 Ochoa: Mr. Chairman. They'd be responsible for building out their portion of  
5 Tashiro Drive since it is a collector roadway, so whatever existing right-of-  
6 way's there now they'd have to add the additional right-of-way adjacent to  
7 their property and then build out that half of Tashiro Drive.  
8
- 9 Crane: Yeah we've been there before, which they build half a road and the other  
10 half stays the way it is, right? You remember when we've had developers  
11 on one side of a highway and they've got to develop out to the middle of  
12 the road and the other side of the road can be rutted and unpacked dirt.  
13
- 14 Ochoa: Mr. Chairman.
- 15
- 16 Crane: So the City is not going to require that Tashiro be made five lanes all the  
17 way from Valley Drive back to the end of this property the end of the 40  
18 acres?  
19
- 20 Ochoa: Mr. Chairman they are on the same standards as all developers in the  
21 City, they're required to provide the improvements to half of Tashiro Road.  
22
- 23 Crane: Okay. Thank you. Yes go ahead Mr. Andrade.
- 24
- 25 Andrade: Thank you Mr. Chairman. Again as drawn in the previous presentation the  
26 site, the 7.5 acres as proposed does not include the four-lane road going  
27 all the way back to Picacho. You've got to think about the collector, all  
28 the, all the residences in there. Ms. Sarah Nolan who was here earlier  
29 with CAFe, she asked me to on her behalf make a presentation that  
30 Stewart road which is directly south and Parker Road southwest, those  
31 neighborhoods are restricted on to, there's no access out of that  
32 neighborhood other than to Valley Drive. So she has the same concern,  
33 her children attend the school down the street. If you go to even the car  
34 shows that are going to be happening here in March of next, I think the  
35 13th, the traffic in and out and even during baseball games etc., so if the,  
36 if you were to allow Wal-Mart to only improve the section of Tashiro Road  
37 that would end on their property line, that would not resolve the issue with  
38 Tashiro Road going all the way back to the Field of Dreams and into the  
39 residential area. So again I request that, that be a condition of this  
40 approval.  
41
- 42 Crane: Let me clarify something. Mr. Ochoa didn't you say that the developer  
43 would be responsible for the road all the way back to the, back to the 40  
44 acres, the west end, or just the seven acres?  
45
- 46 Ochoa: Mr. Chairman. They would be required to provide improvements on

1 Tashiro all the way back to the end of that property sir.  
2  
3 Crane: Okay. That answer your question Mr. Andrade somewhat?  
4  
5 Andrade: Just to clarify, just, just the property as outlined in here in the purple. So if  
6 they'd only be required to ...  
7  
8 Crane: No. No sir. Excuse me I understand Mr. Ochoa was saying to the end of  
9 the green.  
10  
11 Andrade: No, no, he's saying to end of Tashiro, to the purple lines highlighted here  
12 on this.  
13  
14 Crane: You want to come back Mr. Ochoa.  
15  
16 Andrade: That improvement would be from this point here on Valley Drive to this  
17 corner.  
18  
19 Ochoa: Mr. Chairman. No sir, that is incorrect. They would be required to provide  
20 improvements all the way along the, the subdivision encompasses which  
21 encompasses the original tract as well. So the entire length of that  
22 property along Tashiro Drive.  
23  
24 Crane: Okay.  
25  
26 Andrade: If, if that is correct then I'm in favor of them doing so. Cause it is required  
27 to be able to again access the traffic patterns there.  
28  
29 Crane: Thank you.  
30  
31 Andrade: And, and also in case you want to know where I got that information from,  
32 Wal-Mart has approached me for a liquor license so my attorney Mark  
33 Rhodes out of Albuquerque, New Mexico who is a broker has been  
34 requested and so by the Galloway and Company and Wal-Mart stores to  
35 acquire a liquor license so. That is where my information comes from.  
36  
37 Crane: They want to buy one from you?  
38  
39 Andrade: Yes sir.  
40  
41 Crane: Okay. Ms. Henry do you have any information you wanted to give to Mr.  
42 Andrade?  
43  
44 Henry: Mr. Chairman, Commissioners. Thank you. I, I just want to remind  
45 everybody that we're at the zone change stage and that the traffic  
46 improvements stage is connected to the subdivision approvals. And so

1 we will have this discussion but where we have our traffic impact analysis,  
 2 where there would be a development agreement for, for Tashiro Drive,  
 3 that's not at this step tonight. That's, that's at step two. So I just, I wanted  
 4 to clarify that for the record. Thank you.  
 5

6 Crane: Thank you. Mr. Andrade. Let's give you, one more.  
 7

8 Andrade: Yes sir. Thank you again. Well the step one is extremely important  
 9 because step two will not come forward unless step one is resolved. So  
 10 it's extremely important. Again had they disclosed that you all knew it was  
 11 a Wal-Mart going in and the traffic counts. You know you've got to think  
 12 about a fuel tanker, the traffic, turning lanes, DOT, so I ask that you take  
 13 all this in consideration here, that it's not just step one. You know if you  
 14 pass this and allow this to be rezoned that then you will open up the  
 15 floodgate for delivery trucks, they have 18-wheelers. If you look at the  
 16 traffic fiasco on Avenida de Mesilla and Valley Drive for the Wal-Mart  
 17 that's there now, those trucks do not obey the signs for the corner of my  
 18 store and Pic-Quik on Avenida de Mesilla, they always make right hand  
 19 turns into the property even though it says not to. So consider the fact  
 20 that how would you get 18-wheelers up and down Valley, around this  
 21 corner, into this property and then partial, that partial lot here in this  
 22 section is for future development, so again you're going to have extreme  
 23 amounts of traffic. So I would ask again that you make, since the City did  
 24 state that it does go all the way down to the collector on the other side of  
 25 the street that you're, if you're, if you approve this to be yes that that be  
 26 included in your approval that it will be developed as at least a four-lane  
 27 road all the way back to the Field of Dreams. Thank you for your time.  
 28

29 Crane: Thank you. Mr. Beard do you want to address this?  
 30

31 Beard: Well I have a question for. Do you have an alternative proposal that you  
 32 could put for us so that we can consider it? I'm, I'm, all we're doing is a  
 33 zone change. I mean would you want that to be a residential area or  
 34 what?  
 35

36 Andrade: Well again I understand the way the, the City's rules work and, and the  
 37 infrastructure and neighborhood being friendly to businesses and  
 38 obviously that's one of the reasons that Wal-Mart wants to build here. But  
 39 again what I'm asking you to consider is the amount of traffic and to make  
 40 sure that in your approval of this corner to C-3 zoning that it is very clear  
 41 that my objection is that we were opposed to along with the residents in  
 42 that area, many did not receive the flyer and so I was called today, Oscar  
 43 you going to go, and I said yes I am. So hopefully I answered your  
 44 question there. There's also that big area behind there that's going to be  
 45 the baseball park that Scot Bannister's gone before City Council and also  
 46 has and Mayor has made a presentation on that. So you, you have not

1 only a Wal-Mart but you have a baseball field along with the Field of  
2 Dreams. So again I cannot stop progress. We would shut down, be out of  
3 business which is life I guess it is and I'll relocate somewhere else. But  
4 what I'm trying to do is protect that neighborhood. My sister-in-law lives  
5 right down the street on Wilson Drive, her home is right here and again  
6 taking kids to school to Mayfield in the morning, I would request that there  
7 be a stop light, lost my mouse here, on the corner of Tashiro Road signals  
8 because again the traffic is horrendous on that corner.  
9

10 Beard: Thank you.

11  
12 Crane: Thank you Mr. Andrade. Any other member of the public wish to address  
13 this? Then I'll close it to further discussion. Commissioners?  
14

15 Ferrary: Just as a point, there already is a light at Tashiro I believe.  
16

17 Crane: I think there is. Yeah. Commissioner Beard.  
18

19 Beard: I don't think that we can make a decision based on what, on something  
20 that, that, how this is going to be developed. So you know I think, we  
21 either make a C-2 or we make it a residential. I see no reason, if people  
22 own the property and they want to go to commercial then I think that's the  
23 only, only thing that we need to address at this time. If they decide to put  
24 in whatever it is that they're going to put in and it increases the traffic then  
25 the traffic lights and the width of the streets will all be addressed at that  
26 time. So it's a, I think a matter of making it residential or commercial and I  
27 see no reason why not to approve it as a commercial piece of property.  
28

29 Crane: I want to make the point I think, yeah Ms. Henry is right when she says  
30 that this is just the start. Mr. Andrade's is right that if this was denied right  
31 now that would stop things dead. But the fact that we may approve the  
32 request for zoning change does not mean that chaos is going to develop  
33 at that corner because there are going to be further discussions first within  
34 Community Development with the developer and then before this  
35 Commission, when believe me based on other experiences there can be a  
36 lot of attention paid to traffic, large trucks turning in, and so on.  
37 Regrettably from Pic-Quik's viewpoint we can't do much about restraint of  
38 trade and saying outfit X cannot move in because it's going to impact the  
39 local economy, some individual negatively. I've certainly seen that  
40 happen when Wal-Mart went in on Hickory Loop not far from where I live  
41 and when the new one went up on Walton. But we do shop there, we also  
42 patronize Pic-Quik. There's a niche for both these outfits so in case of  
43 Wal-Mart it's a big niche but nevertheless don't give up. Commissioners  
44 can I hear a motion unless somebody else has something to add to the  
45 debate?  
46

- 1 Beard: I move to approve Case Z2883.  
2  
3 Gordon: Second.  
4  
5 Crane: Seconded by Mr. Gordon. All right. We'll take a roll call from this end first.  
6 Mr. Beard.  
7  
8 Beard: Commissioner Beard. I vote yes based on discussions and presentations.  
9  
10 Crane: Commissioner Alvarado.  
11  
12 Alvarado: I vote yes based on discussion and presentations.  
13  
14 Crane: Mr. Ferrary.  
15  
16 Ferrary: I vote yes based on site visit, discussion, and presentation.  
17  
18 Crane: Mr. Stowe.  
19  
20 Stowe: I vote yes based on site visit, findings, and the discussion this evening.  
21  
22 Crane: Mr. Gordon.  
23  
24 Gordon: I vote yes based on site visit, findings, and discussion.  
25  
26 Crane: And the Chair votes aye based on findings, discussion, and site visit. The  
27 matter passes seven, correction six to zero. Thank you all.  
28  
29 **VII. OTHER BUSINESS - NONE**  
30  
31 Crane: Any other business Mr. Ochoa?  
32  
33 Ochoa: No sir. No other business tonight.  
34  
35 **VIII. PUBLIC PARTICIPATION**  
36  
37 Crane: Any other public participation?  
38  
39 **IX. STAFF ANNOUNCEMENTS**  
40  
41 Crane: Staff announcements.  
42  
43 Ochoa: No sir, nothing tonight.  
44  
45  
46

1 **X. ADJOURNMENT (8:33 p.m.)**

2  
3 Crane: In that case we are adjourned at 8:33. Thank you all.

4  
5  
6  
7  
8 \_\_\_\_\_  
9 Chairperson

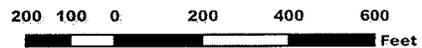
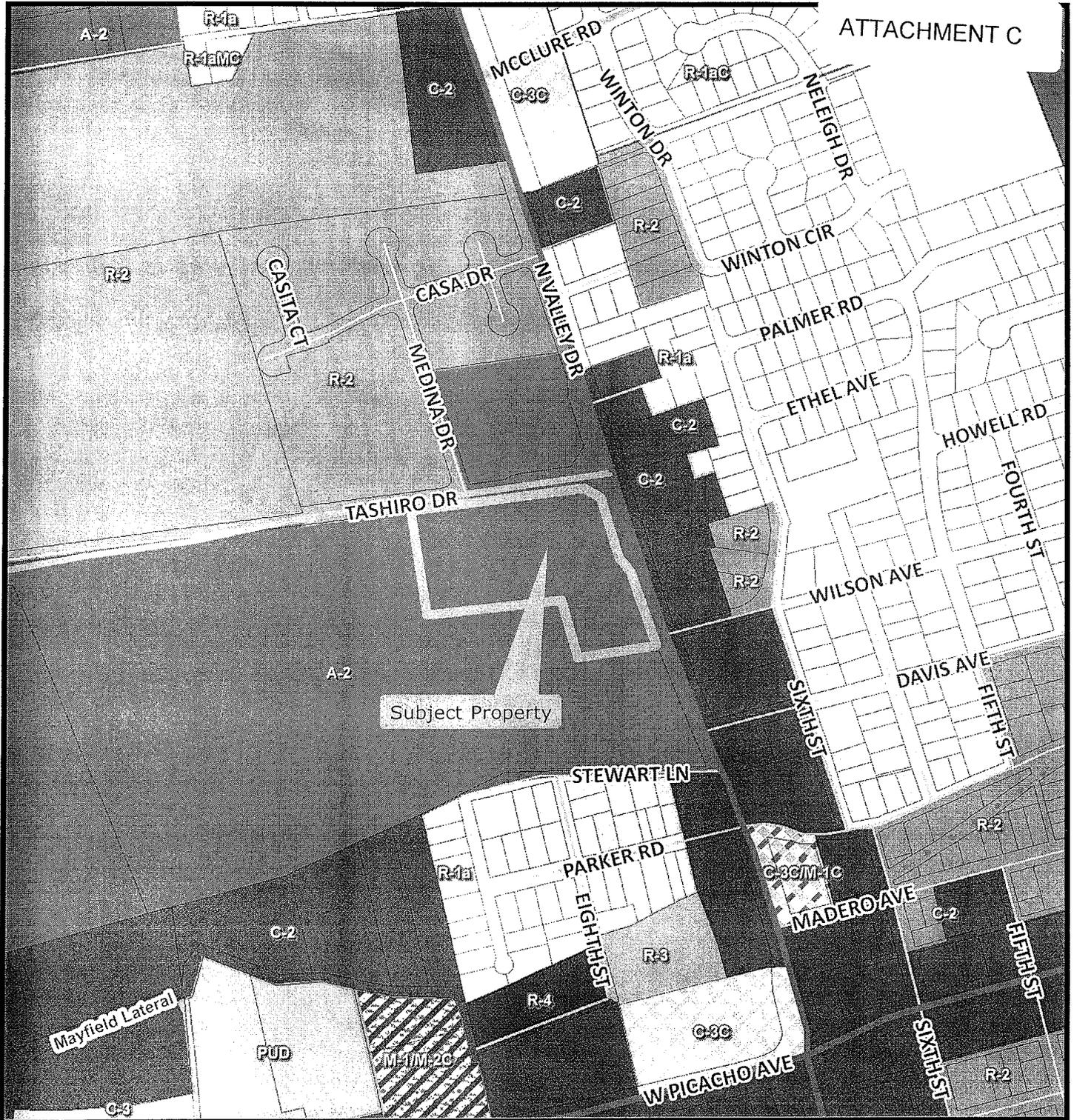
DRAFT

ZONING: A-2 TO C-3  
OWNER: D & R, INC.

# 299 VICINITY MAP

PARCEL: 02-26715  
DATE: 02/09/2015

ATTACHMENT C



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

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