

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 15

Ordinance/Resolution# 2753

For Meeting of April 20, 2015  
(Ordinance First Reading Date)

For Meeting of May 4, 2015  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

LEGISLATIVE

ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) ON TWO PARCELS TOTALING 0.52+ ACRES LOCATED AT 870 E MADRID AVE. SUBMITTED BY ISRAEL BROWN ON BEHALF OF JAVIER AND SILVIA TERRAZAS, PROPERTY OWNERS (Z2884).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 5</b>		
<b><u>Drafter/Staff Contact:</u></b> Katherine Harrison-Rogers	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3049
<b><u>City Manager Signature:</u></b>		

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

The properties subject to this zone change request from R-3 (Multi-dwelling Medium Density) to C-2 (Commercial Medium Intensity) lie within the Infill Overlay and consist of two parcels totaling 0.52+ acres. The properties are located south of Apodaca Park, approximately 350 feet east of the Solano and E Madrid Ave intersection, at 870 E Madrid Ave. Currently the property is vacant and, prior to development, the subject properties and the neighboring property to the west will be replatted into one lot. The applicant is interested in developing a multi-tenant commercial space in order to open an ice cream shop and other unknown commercial or office uses.

The properties are eligible for the Infill Development Process (IDP) due to the fact that they are underutilized and vacant; however, the applicant determined a zone change, not an IDP, would serve their development plans more effectively. The City generally supports the improvement of infill properties as a viable way to support economic growth and revitalization within the City's core. The properties are adjacent to lands zoned C-2 and are bordered by medium and high density multi-family development. The conversion to commercial lands has an opportunity to serve these multi-family developments and act as a transition to Solano, a commercial corridor. The properties also lie on a major collector roadway as identified by the Mesilla Valley

Metropolitan Planning Organization, which is suitable for uses associated with the proposed zone change.

The proposal for a zone change from R-3 to C-2 is supported by the Comprehensive Plan and supports several purposes and intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code. Furthermore the proposal supports the City's infill policies outlined in the City's Infill Policy Plan, the Comprehensive Plan, and also identified in Section 38-48, Infill Development Overlay District.

On March 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) based upon the findings reflected in Exhibit "B". One member of the public spoke regarding concerns for the potential for increased traffic and parking issues associated with Apodaca Park. No other public input was received prior to or during the Planning and Zoning Commission hearing for the proposed zone change.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Location Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2884.
5. Attachment "B", Minutes from the March 24, 2015 Planning & Zoning Commission Meeting.

**SOURCE OF FUNDING:**

Is this action already budgeted?     N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<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:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 0.52 ± acres will be rezoned from R-3 (Multi-Dwelling Medium Density) to C-2 (Commercial Medium Intensity).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-3 (Multi-Dwelling Medium Density) will remain on the subject property and the property will remain non-conforming unless subdivided. 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 98-214.

**COUNCIL BILL NO.** 15-034  
**ORDINANCE NO.** 2753

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) ON TWO PARCELS TOTALING 0.52± ACRES LOCATED AT 870 E MADRID AVE. SUBMITTED BY ISRAEL BROWN ON BEHALF OF JAVIER AND SILVIA TERRAZAS, PROPERTY OWNERS (Z2884).**

The City Council is informed that:

**WHEREAS**, Israel Brown on behalf of, Javier and Silvia Terrazas, property owners, has submitted a request for a zone change from R-3 (Multi-dwelling Medium Density) to C-2 (Commercial Medium Intensity) for two properties totaling 0.52± acres located south of Apodaca Park, approximately 350 feet east of the Solano and E Madrid Ave intersection, at 870 E Madrid Ave; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on March 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-2 (Commercial Medium 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:

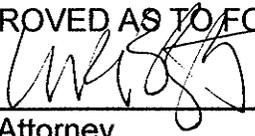
\_\_\_\_\_  
City Clerk

(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:	_____

# Location Map

CASE Z2884

PARCEL: 02-04712 & 02-04688

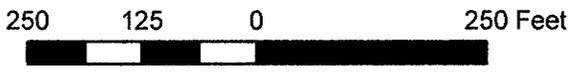
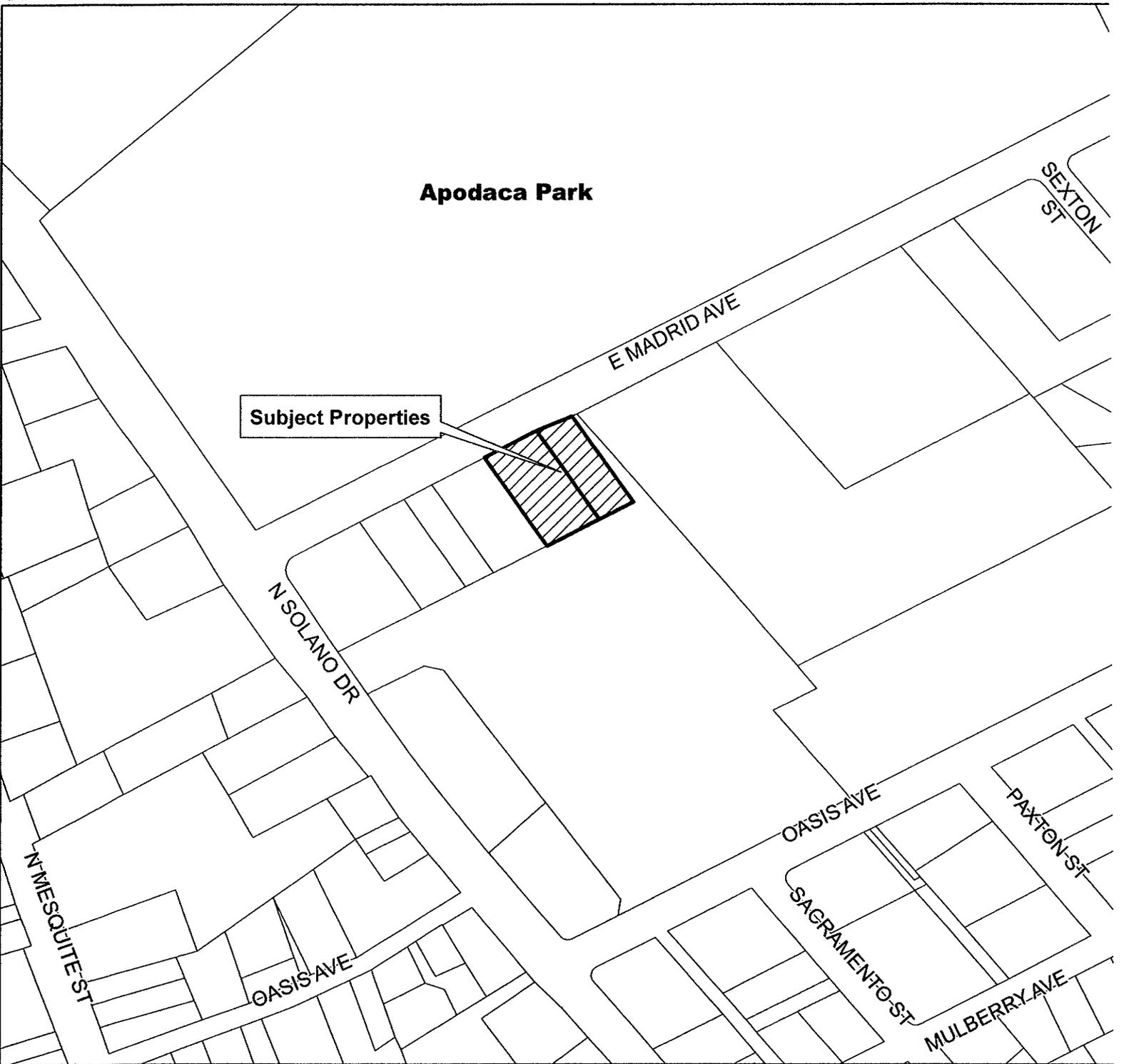
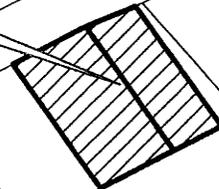
DATE: 3-30-2015

ZONING: R-3 TO C-2

OWNER: SILVIA AND JAVIER TERRAZAS

## Apodaca Park

Subject Properties

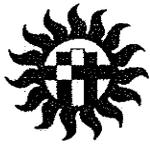


Community Development Department  
700 N Main St  
Las Cruces, NM 88001  
(575) 528-3222

*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.*

### Planning and Zoning Commission Recommended Findings for Case Z2884

1. The subject parcel currently encompasses a total of 0.52 + acres, is zoned R-3 (Multi-dwelling Medium Density) and lies within the Infill Development Overlay District.
2. The property is vacant and is considered an "Infill Parcel" per Section 38-48 of the 2001 Zoning Code.
3. 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; is supported by the City's Infill Policy Plan; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



# City of Las Cruces®

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## Planning & Zoning Commission Staff Report

Meeting Date: March 24, 2015

Drafted by: Katherine Harrison-Rogers

<b>CASE #</b>	Z2884	<b>PROJECT NAME:</b>	870 E Madrid Ave. Zone Change
<b>APPLICANT/ REPRESENTATIVE:</b>	Israel Brown	<b>PROPERTY OWNER:</b>	Silvia and Javier Terrazas
<b>LOCATION:</b>	870 E. Madrid Avenue	<b>COUNCIL DISTRICT:</b>	1 (Miguel Silva)
<b>SIZE:</b>	Parcel 02-04712, 0.21 ac Parcel 02-04688, 0.31 ac	<b>EXISTING ZONING/ OVERLAY:</b>	Infill Development Overlay
<b>REQUEST/ APPLICATION TYPE:</b>	A zone change from R-3 to C-2		
<b>EXISTING USE(S):</b>	Vacant		
<b>PROPOSED USE(S):</b>	Ice cream shop and other retail/office		
<b>STAFF RECOMMENDATION:</b>	Yes based on findings		

**TABLE 1: CASE CHRONOLOGY**

Date	Action
February 2, 2015	Application (incomplete) submitted to Development Services
February 9, 2015	Application deemed complete
February 10, 2015	Case sent out for review to all reviewing departments
February 26, 2015	All comments returned by all reviewing departments
February 12, 2015	Staff reviews and recommends approval of the zone change
March 8, 2015	Newspaper advertisement
March 6, 2015	Public notice letter mailed to neighboring property owners
March 6, 2015	Sign posted on property
March 24, 2015	Planning and Zoning Commission public hearing

**SECTION 1: SYNOPSIS OF PROPOSAL**

The application of Israel Brown on behalf of the property owners, Javier and Silvia Terrazas, is for a zone change from R-3 (Multi-dwelling Medium Density) to C-2 (Commercial Medium Intensity) on two parcels totaling 0.52± acres. The properties are located south of Apodaca Park, approximately 350 feet east of the Solano and E Madrid Ave intersection, at 870 E Madrid Ave. The applicant is interested in developing a multi-tenant commercial space in order to open an ice cream shop and other unknown retail or commercial uses. Currently the property is vacant and, prior to development, the subject properties and the neighboring property to the west will be replatted into one lot.

**TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS**

Standard	Existing	R-3		C-2	
Max # of DU/parcel	0	N/A		N/A	
Max Density (DU/ac.)	0	20		N/A	
Lot Area	13,503.6 sq. feet 9147.6 sq. feet	5000 sq. feet		10,000-43,560 sq. feet	
Lot Width	~89.5 feet ~58.6 feet	50 feet		60 feet	
Lot Depth	~165 feet ~165-169 feet	50 feet		70 feet	
Structure Height	0	35 feet		45 feet	
Setbacks		Multi-family	Single-family		
Front	N/A	20 feet	20 feet	15 feet	
Side	N/A	7 feet	5 feet	15 or 0 feet	
Rear	N/A	7 feet	20 feet	5 or 0 feet	
ROW Dedication	N/A	N/A		N/A	
Landscaping					
% of total (less building pad & screened storage)	0	15%		15%	
Total square feet of landscaping	0	Unknown		Unknown	
Buffering					
Bufferyard	0	N/A		10 feet	5 feet
Screen Type	0	N/A		Semi-opaque	Opaque

**TABLE 3: SPECIAL CHARACTERISTICS**

Characteristic	Applies to Project?	Explanation
EBID facilities	No	N/A
Medians/ parkways landscaping	No	N/A
Other	No	N/A

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

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant	Infill	R-3
North	Park	Infill	R1-a
South	Multi-family	Infill	R-4
East	Multi-family (Mobile Home Park)	Infill	R-4 and R-3
West	Vacant	Infill	C-2

**TABLE 5: PARCEL LAND USE 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: Upon development, sidewalk, curb, and gutter meeting CLC standards will be required.
CLC Traffic	Yes	Yes: TIA and sidewalk/ADA to be improved and installed at the time of development.
CLC Land Management	Yes	No
CLC Utilities	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Conditional Approval	Approval conditioned on the support of other City Agencies.

**SECTION 3: STAFF ANALYSIS AND CONCLUSIONS****Decision Criteria***Planning and Zoning Commission 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:

- Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
- Unreasonably increase the traffic in public streets.
- Increase the danger of fire or endanger the public safety.
- Deter the orderly and phased growth and development of the community.
- Unreasonably impair established property values within the surrounding area.
- In any other respect impair the public health, safety or general welfare of the city.
- 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.
- Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

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

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

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements, which are designed to:
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
- Ensure that development proposals are sensitive to the character of existing neighborhoods.
- Conserve the value of buildings and land.
- Mitigate conflicts among neighbors.

New Mexico Case Law Rezoning Criteria Considerations

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

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

Applicable Comprehensive Plan Elements & Policies:

As specified by the decision criteria listed above, the proposal should be in concert with Comprehensive Plan 2040. For details regarding the analysis, please refer to the attached Comprehensive Plan and Analysis. The following goals and polices from Comprehensive Plan 2040 are relevant to the current proposal:

## Chapter 4, Healthy Communities

- Balanced Development
  - Goal 1: Encourage Mixed Use Development
  - Policy 1.1 Encourage development using the mixed use concept of this Comprehensive Plan, such as developing compatible non-residential uses within walking distance of existing residential areas.
  - Policy 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

- Flexible Design and Positive Image
  - GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.
  - Policy 19.14 Encourage high-density and/or mixed use development that is compatible with the neighborhood at locations throughout the city where such development furthers livability and mobility options to build a strong sense of community.
  - Policy 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.

## Chapter 6, Economic Prosperity

- Economic Diversity
  - GOAL 24: Create incentives, opportunities, partnerships, and policies that build a diversified business community.
  - Policy 24.2 Support and implement mixed-use policies, flexibility of placing new uses, and office, commercial, and industrial zoning districts as outlined within this Comprehensive Plan.

## Chapter 7, Sustainable Growth

- Vibrant Planning Areas, Neighborhoods, and Districts
  - GOAL 32: Establish land use policy for commercial and public/quasi-public uses.
  - Policy 32.2 Community commercial uses shall be defined as those medium intensity commercial uses which provide an array of goods and services geared toward the daily and occasional needs of the community and associated neighborhoods.
- Managed Growth
  - GOAL 37: Establish an urban form which reflects coordinated and efficient city growth, circulation, development, redevelopment, and preservation practices.
  - Policy 37.1 Create additional incentives to encourage infill development.
  - GOAL 38: Encourage sustainable practices that move toward a compact mixed-use urban form that supports infill and discourages "leap frog" growth.
  - Policy 38.5 Encourage infill development as defined by City Code, as amended, as a way to support the utilization of property within the urbanized areas of the city and enhancement of the existing infrastructure network.

**Analysis:**

The properties proposed for a zone change to C-2 lie within the Infill Overlay. As such, they are eligible for the Infill Development Process (IDP) due to the fact that they are underutilized and vacant. This process, with approval from the Planning and Zoning Commission, would allow the properties to be developed with uses not otherwise allowed by the underlying zone. The property owner determined a zone change, not an IDP, would serve their development plans more effectively. Regardless of the process by which to develop, the City supports the improvement of infill properties as a viable way to support economic growth and revitalization within the City's core.

Furthermore, the vacant properties are adjacent to lands zoned C-2, as is proposed, and are also bordered by medium and high density multi-family development. The added commercial lands have an opportunity to serve these developments and act as a transition to Solano, a commercial corridor. The properties also lie on a major collector roadway as identified by the Mesilla Valley Metropolitan Planning Organization, which are suitable for uses associated with the proposed zone change.

During their review based upon applicable regulations, City Staff did not identify any issues associated with the potential for the:

- Impairment of adequate supply of light and air to adjacent property;
- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot; and the
- Contradiction the purpose and intent of the zoning code, sign code, design standards and other companion codes.

**Conclusion**

The proposal for a zone change from R-3 to C-2 is supported by the Comprehensive Plan, as listed above; supports several Purposes and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code; and, based upon a review by relevant City Staff, does not contradict the Planning and Zoning commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382. Furthermore the proposal supports the City's infill policies outlined in the City's Infill Policy Plan, the Comprehensive Plan, and also identified in Section 38-48, Infill Development Overlay District.

**DRC RECOMMENDATION**

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

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the project based on the findings listed below.

**FINDINGS FOR APPROVAL**

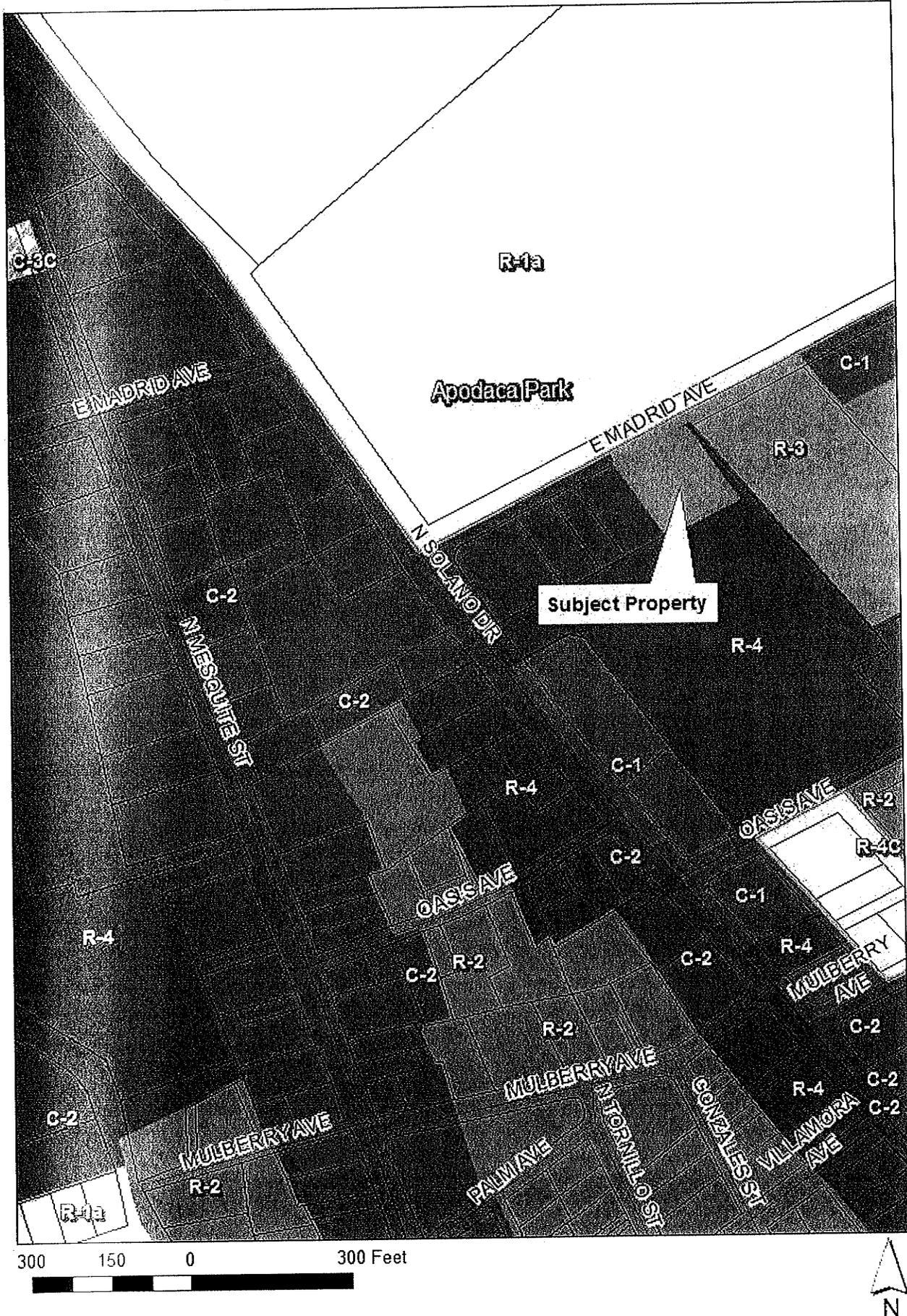
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2. The property is vacant and is considered an "Infill Parcel" per Section 38-48 of the 2001 Zoning Code.
3. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; is supported

by the City's Infill Policy Plan; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

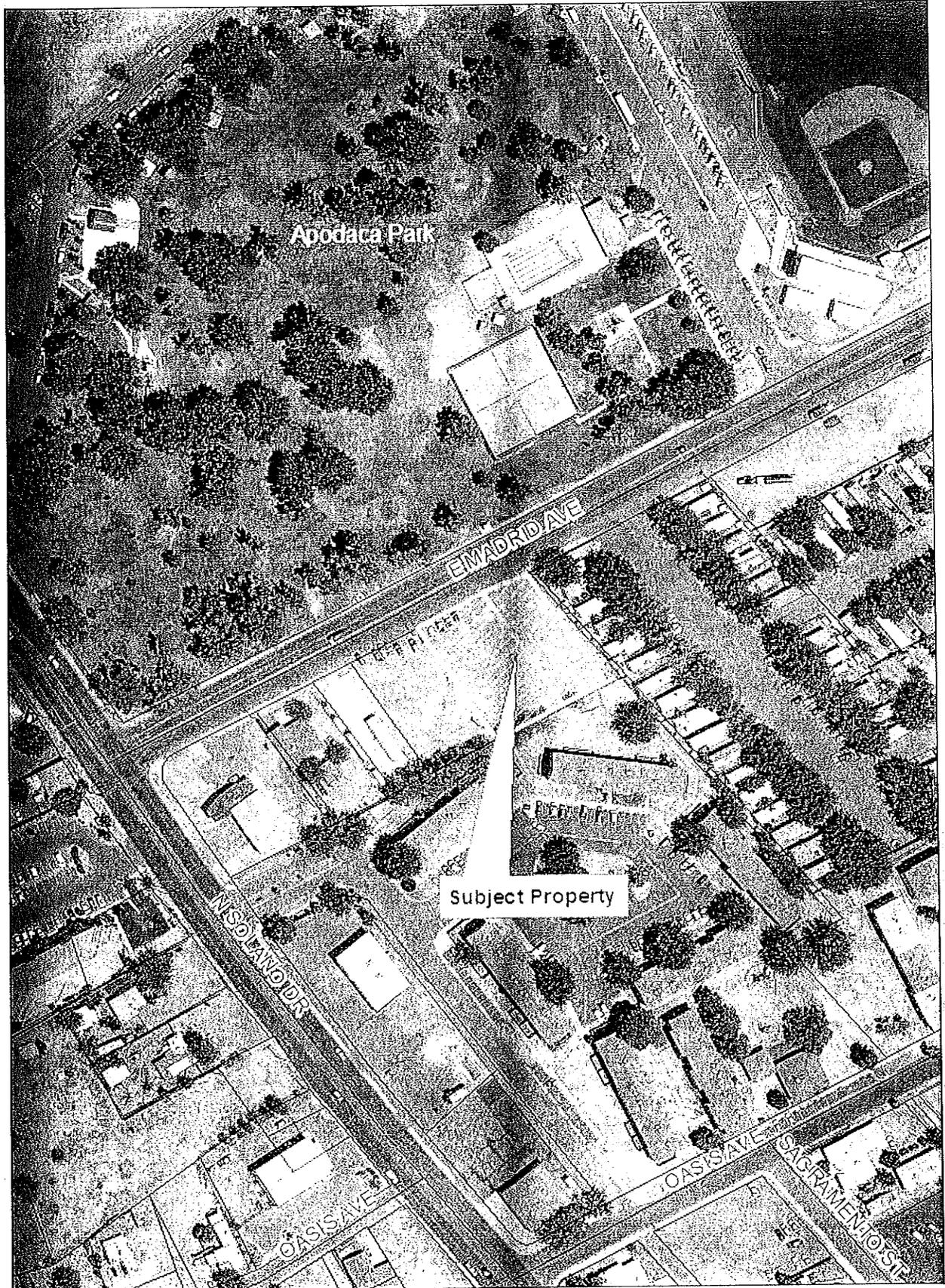
**ATTACHMENTS**

1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Comprehensive Plan Analysis

# Zoning and Vicinity Map 870 E Madrid/ Case Z2884

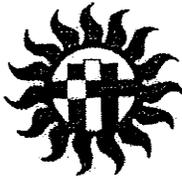


Aerial Map  
870 E Madrid/ Case Z2884



200 100 0 200 Feet





# City of Las Cruces®

PEOPLE HELPING PEOPLE

## CITY OF LAS CRUCES DEVELOPMENT APPLICATION

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

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

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

(Case # 22884)

SUBJECT PROPERTY ADDRESS: ADDRESS REQUESTED 870 E. Madrid Ave.

PROPERTY TAX ID# 4-007-134-267-076 PARCEL ID# \_\_\_\_\_

PROPERTY OWNER(S) of record: SILVIA TERRAZAS

Address: 1615 CAMINO DEL REY City LAS CRUCES State NM Zip 88001

Phone: Home (575) 571-9856 Work ( ) Mobile (575) 640-9062 Fax ( )

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

Name: ISRAEL BROWN Title/Company: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: Home (575) 640-9062 Work ( ) Mobile ( ) Fax ( )

email address: mr.israel.brown@yahoo.com

Check and complete all boxes that apply:

PLANNING AND ZONING COMMISSION			
<input checked="" type="checkbox"/>	Zoning	From <u>R-1 R-3</u> to <u>C2</u>	Master Plan
<input type="checkbox"/>	Variance	From _____ to _____	Preliminary Plat
<input type="checkbox"/>	Special Use Permit (SUP)		Final Plat
<input type="checkbox"/>	New	Renewal/Time Ext	Amendment
<input type="checkbox"/>	Planned Unit Development (PUD)		Replat
<input type="checkbox"/>	1. Concept Approval		Alternate Summary
<input type="checkbox"/>	2. Final Site Plan Approval		Infill Sub. Conceptual Plan
<input type="checkbox"/>	3. Amendment		Vacation Subdivision
<input type="checkbox"/>	4. Renewal/Time Extension		Annexation Petition/Plat/Initial Zoning Req.
<input type="checkbox"/>	West Mesa and Park		University District
<input checked="" type="checkbox"/>	Infill Development Request(s)		South Mesquite
APPEAL TO:		PLANNING & ZONING COMMISSION	CITY COUNCIL

**Planning &  
Revitalization**

# Memo

**To:** Kathryn Harrison-Rogers, Senior Planner  
**From:** Marc A South, Planner *MAS*  
**Date:** February 12, 2015  
**Re:** 870 E Madrid Ave Zoning Change Request

---

I have reviewed the information you provided to Long-range planning, and have discussed the case with both Carol and Srijana.

## CONCLUSION

We have no objection to the proposed zoning change.

## DISCUSSION

The property at 870 E Madrid is in an area in which the current Comprehensive Plan anticipates "City Neighborhood" development. City Neighborhood is defined as mostly containing single-family residential subdivisions and some office parks-shopping centers at major intersections or corridors. Existing streets form a curvilinear, non-grid-like pattern with cul-de-sacs and long block lengths. This planning area is lacking in housing diversity, civic/recreational, commercial and other types of services and land uses.

The specific parcel in question is across East Madrid from a major city park, and at the edge of a strip of four lots that are already zoned C-2. There are other R-3 lots directly east of 870 E Madrid, but, the lots even further east on Madrid are also zoned C-2 until you go east of Desert Dr. Clearly this area is developing as a retail strip. The context of the City Neighborhood definition makes it clear that "commercial and other types of services" are desirable in this sort of neighborhood.

If the development proposal envisioned in the zoning change request goes forward, it may be necessary and proper to discuss the installation of a crosswalk or other similar sort of traffic control feature at or near this location. For a park with significant playing fields for children with an ice-cream shop across the street a control of some sort would only seem prudent.

1  
 2 Dubbin: Mr. Chairman. The, if this body were to approve the variance then we  
 3 would have to live with it sir.  
 4  
 5 Crane: Thank you. Anyone else? In that case I will hear a motion that Case, yes  
 6 you, you want to phrase a motion Mr. Beard?  
 7  
 8 Beard: I move to accept A1732.  
 9  
 10 Crane: Is there a second? Even if you, we need to vote on this even if everybody  
 11 wants to vote nay. But we have to have a positively framed motion and a  
 12 second. You seconding Mr. Stowe?  
 13  
 14 Stowe: Second.  
 15  
 16 Crane: Okay. I'll do the roll call vote starting with Mr. Clifton.  
 17  
 18 Clifton: I vote nay based on staff presentation, findings consistent to the Las  
 19 Cruces Zoning Code as amended.  
 20  
 21 Crane: Mr. Gordon.  
 22  
 23 Gordon: I vote nay based on a site visit, findings, our discussion, and staff  
 24 recommendation.  
 25  
 26 Crane: Mr. Stowe.  
 27  
 28 Stowe: I vote nay based on findings, discussion, site visit.  
 29  
 30 Crane: Ms. Ferrary.  
 31  
 32 Ferrary: I vote nay, staff recommendations, findings, and discussion.  
 33  
 34 Crane: Mr. Beard.  
 35  
 36 Beard: I vote no based on findings and discussions and site visit.  
 37  
 38 Crane: And I vote no based on findings, discussions, site visit, and the  
 39 consideration of the fire problem. So this application fails zero to six.  
 40 Thank you.  
 41

42 \* 2. **Case Z2884:** Application of Israel Brown on behalf of the property owners,  
 43 Javier and Silvia Terrazas, for a zone change from R-3 (Multi-dwelling  
 44 Medium Density) to C-2 (Commercial Medium Intensity) on two parcels  
 45 totaling 0.56 +/- acres located south of Apodaca Park, approximately 350 feet  
 46 north of the Solano and E. Madrid Avenue intersection, at 870 E. Madrid

Avenue; Parcel ID#s: 02-04688 and 02-04712. Proposed Use: Ice Cream shop and additional commercial/office space. Council District 1 (Silva).

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Crane: Mr. Ochoa, Case Z2884.

Ochoa: I will hand the microphone off to Katherine Harrison-Rogers sir.

Crane: Thank you.

H-Rogers: Good evening gentlemen. As was stated, this is Case Z2884 located at 870 East Madrid Avenue. It's a zone change from R-3 to C-2. Israel Brown, the applicant on behalf of the property owners, Javier and Silvia Terrazas, is requesting this zone change in order to establish an ice cream shop at this location as well as a couple of other essentially store fronts in a, in a little shopping center.

This is the location and zoning map as you can see. It's right next to Apodaca Park. There's some multifamily around here, some commercially zoned properties and of course North Solano right there. This is two parcels, they actually own three contiguous parcels but one is already zoned C-2, so only two of the parcels are subject to this particular zone change. They're a little over half an acre. It's in Council District 1, again south of Apodaca Park. It's about 350 feet east of the Solano and East Madrid intersection. And it's currently vacant. Here's an aerial, gets you a better sense of what's around there. You can see there's the apartment complex back here, there's a mobile home park in here, the park right here, and of course some commercial businesses right here. There is a, there is a home located here but it is zoned commercial, and of course the vacant lot that I spoke to you about earlier which is zoned C-2.

This particular property is within the infill development area as it is vacant and has been vacant for as long as we know. It's eligible for the infill development process. Of course you may be familiar with that. It's a slightly different process. They're not proposing that today, but they are eligible for that. They decided to pursue the zone change just simply because it fit their needs a little bit better. This property's bordered by both medium and high-density multifamily development and commercial zoning districts. East Madrid Avenue is a collector roadway which is a suitable road, roadway for the type of uses that they're proposing. During our analysis we did find several goals and policies in the Comprehensive Plan that were very supportive of this, especially the infill. Again staff looked at the purpose and intents statements and Section 38-2 of the code and felt that it, it met those. Also the decision criteria that are listed in the municipal code, Chapter 2, Section 38-, excuse me 382 and then again it is supported by the City's infill policy plan and the Infill Development Overlay District.

And of course with that staff is recommending approval without any conditions. I've listed findings here just sort of reiterating what I've stated

1 before. And ultimately your options tonight are: to vote yes, this would  
 2 recommend this to City Council; vote no, or to amend the application,  
 3 perhaps adding conditions; or vote to table if you need more information or  
 4 want to direct staff or the applicant to pursue some alternatives. And of  
 5 course that was, that was relatively sweet and short, but I'm happy to  
 6 answer any questions if you have some.

7  
 8 Crane: Thank you Ms. Harrison-Rogers. Commissioners any questions? One  
 9 thing struck me as I had looked at that spot, if an ice cream shop goes  
 10 over there across the street from Apodaca Park that's going to be a flow of  
 11 people want to go across Madrid Avenue. Right now there's no crossing.  
 12 Who has to make the decision that a crossing is needed and get it put in?  
 13 I don't imagine that's the applicant's but enlighten me.

14  
 15 H-Rogers: Commissioner Crane, Members of the Commission. Absolutely. Traffic  
 16 Engineering was a reviewing party on this particular case. They did state  
 17 that basically at, at site development, they would have to look at those  
 18 basic traffic numbers. Traffic in, the Traffic Engineer would determine if a  
 19 crosswalk was needed or not. It's going to be based on a number of  
 20 factors; the pedestrian traffic going across the street, you know safety  
 21 concerns, how far it is from the intersection, a number of items. But they  
 22 would look at that as part of the site development at, at that location when  
 23 in such time some construction permits do come in for us to review.

24  
 25 Crane: Thank you. Any other questions for Ms. Harrison-Rogers? Thank you.

26  
 27 H-Rogers: You're welcome.

28  
 29 Crane: Does the applicant want to address the Commission or some, somebody  
 30 representing the applicant? No. Yes or no?

31  
 32 *(Audience member shaking head no.)*

33  
 34 Crane: No. Okay. Any member of the public want to address this issue? Then I  
 35 think we can proceed, yes ma'am. Come on up. Please tell us your name  
 36 ... pull the mic over to yourself please. Tell us your name and I'll swear  
 37 you in.

38  
 39 Ward: Deborah J. Ward.

40  
 41 Crane: Ms. Ward do you swear or affirm that the testimony you are about to give  
 42 is the truth and nothing but the truth under penalty of law?

43  
 44 Ward: I do.

45  
 46 Crane: Go ahead, go ahead please.

1  
2 Ward: Well my concern, I live in the Town and Country Apartments. And my  
3 concern is the traffic that goes through there every day and the fact that  
4 there's no place for people to park that are using the park. In other words,  
5 I see a lot, whenever groups are using the park they're parking in that  
6 vacant lot. So that would be my concern. And the increase in traffic and  
7 pedestrians.  
8  
9 Crane: So you have this ...  
10  
11 Ward: If it was approved.  
12  
13 Crane: You have the same crosswalk consideration that I do and you also think  
14 this would generate more car traffic on that corner?  
15  
16 Ward: Yes.  
17  
18 Crane: Okay. Thank you. Any Commissioner have questions of this, Ms. Ward?  
19 Thank you ma'am.  
20  
21 Ward: Thank you.  
22  
23 Crane: So everybody's had their say. Who would like to make a motion that we  
24 approve Z2884? I think Mr. Beard is about to do that.  
25  
26 Beard: I move to approve Case Z2884.  
27  
28 Crane: Do I have a second?  
29  
30 Stowe: Second.  
31  
32 Crane: Seconded by Mr. Stowe. Let's start with the roll call vote for, or does  
33 anybody want to discuss this? In that case we'll start with a roll call with  
34 Mr. Beard.  
35  
36 Beard: I vote yes based on findings, discussions, and site visit.  
37  
38 Crane: Ms. Ferrary.  
39  
40 Ferrary: I vote yes based on findings and discussion.  
41  
42 Crane: Mr. Stowe.  
43  
44 Stowe: I vote aye based on findings, discussion, and site visit.  
45  
46 Crane: Mr. Gordon.

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2 Gordon: I vote yes based on a site visit, findings, discussion, and staff  
3 recommendation.

4  
5 Crane: Mr. Clifton.

6  
7 Clifton: I vote aye based on staff presentation and the proposal meeting the intent  
8 of the Comprehensive Plan of the Las Cruces Zoning Code as amended.

9  
10 Crane: Thank you. And the Chair votes aye based on findings, discussion, and  
11 site visit. So Z2884 passes six/nothing. Thank you

12  
13 **VII. OTHER BUSINESS**

14  
15 1. Council Districts 1 and 4 **Case ZCA15-001:** A discussion of proposed  
16 amendments to the Municipal Code, Article V, Section 38-49.2 South  
17 Mesquite Neighborhood Overlay Zone District. (Districts 1 and 4, Silva and  
18 Small)

19  
20 Crane: That concludes our most of our business today. We have a matter  
21 coming up, other business, discussing the modifications to South  
22 Mesquite Neighborhood Overlay Zone District. I don't know if the folks  
23 who are in the audience have come to hear that but I thought I'd let you  
24 know that there isn't any more what I would regard as public business.  
25 But you're welcome to stay of course. Ms. Harrison-Rogers.

26  
27 H-Rogers: Absolutely. Commissioner Crane, Members of the Commission. I don't  
28 have a, a formal PowerPoint in terms of discussion. We will, when this of  
29 course comes to you for discussion item, but essentially is you saw in my  
30 memo what's occurring right now is the South Mesquite Neighborhood  
31 District, the Design Review Board is proposing some significant  
32 modifications to that section of code, specifically Section 38-49.2. Back in  
33 May of 2013 some code amendments for administrative purposes, just  
34 cleaning up that section did occur and this is a little bit more intensive  
35 since then. I mean ultimately this has been going on for almost two years  
36 now. The Design Review Board and staff have been working together to  
37 bring these modifications to you. Ultimately the Design Review Board is,  
38 is the group that, that's crafted these. The big portions of change are  
39 essentially merging what was Area 1 and 2 of South Mesquite, they used  
40 to be separated into two separate areas, so that they follow the same  
41 rules and design guidelines; limiting all buildings to 14 feet, modifying the  
42 land use lists so that they follow a similar formate as we have in other  
43 portions of our code, specifically a land use matrix, adding new sign  
44 regulations because of course those did not exist previously in that section  
45 of code. And then adding some additional authorities and duties of the  
46 Design Review Board and of course extending their recommending