

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 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.

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

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"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 0.52 ± 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:

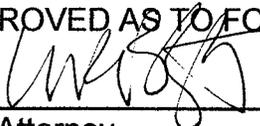
City Clerk

(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

ZONING: R-3 TO C-2

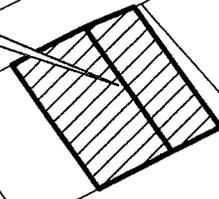
PARCEL: 02-04712 & 02-04688

OWNER: SILVIA AND JAVIER TERRAZAS

DATE: 3-30-2015

Apodaca Park

Subject Properties



E MADRID AVE

N SOLANO DR

SEXTON ST

N MESQUITE ST

OASIS AVE

OASIS AVE

PAXTON ST

SACRAMENTO ST

MULBERRY AVE



250 125 0 250 Feet

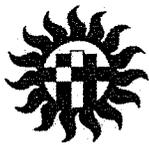


Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

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

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.



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Planning & Zoning Commission Staff Report

Meeting Date: March 24, 2015

Drafted by: Katherine Harrison-Rogers

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

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

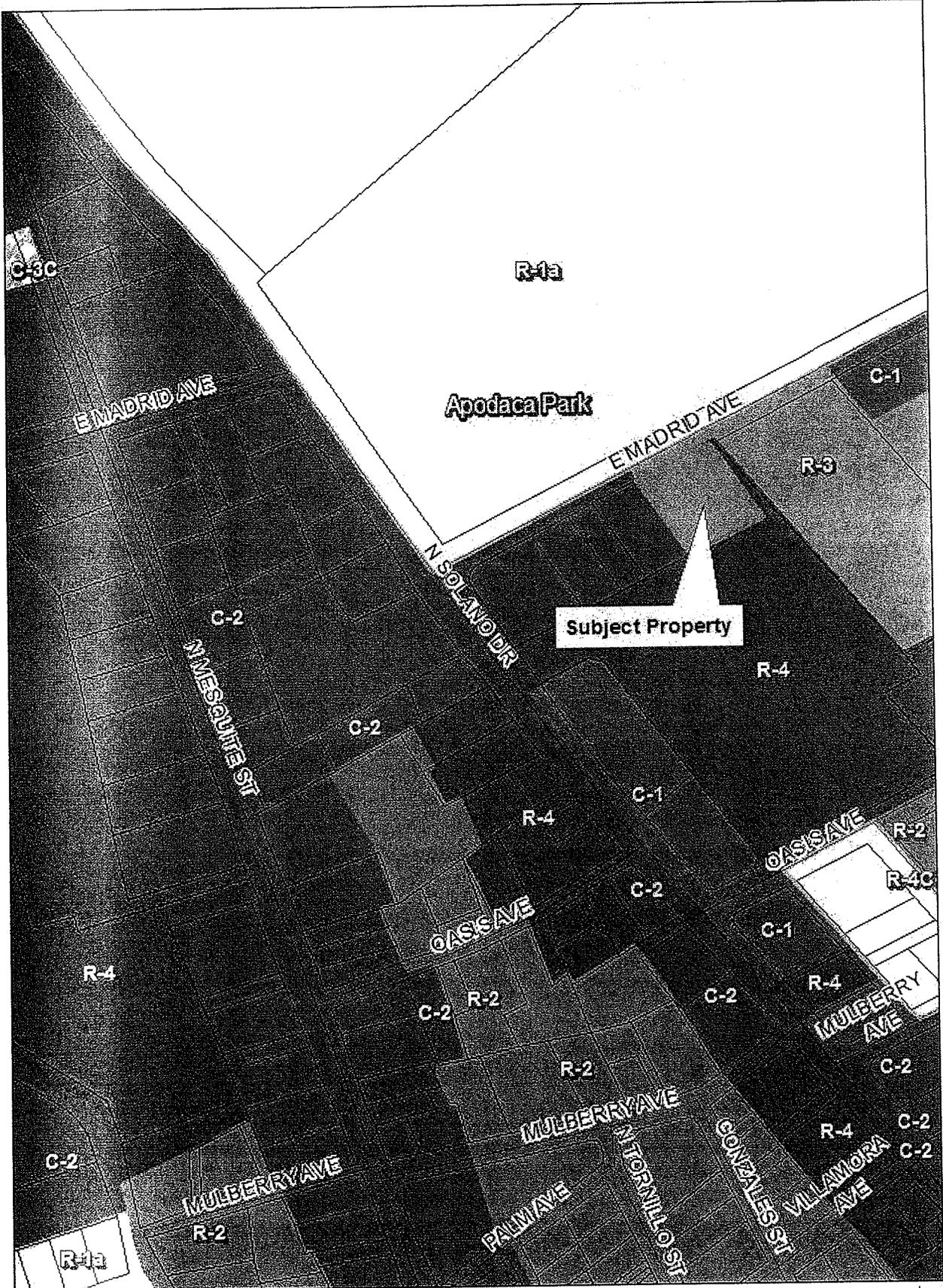
by the City's Infill Policy Plan; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

ATTACHMENTS

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

Zoning and Vicinity Map

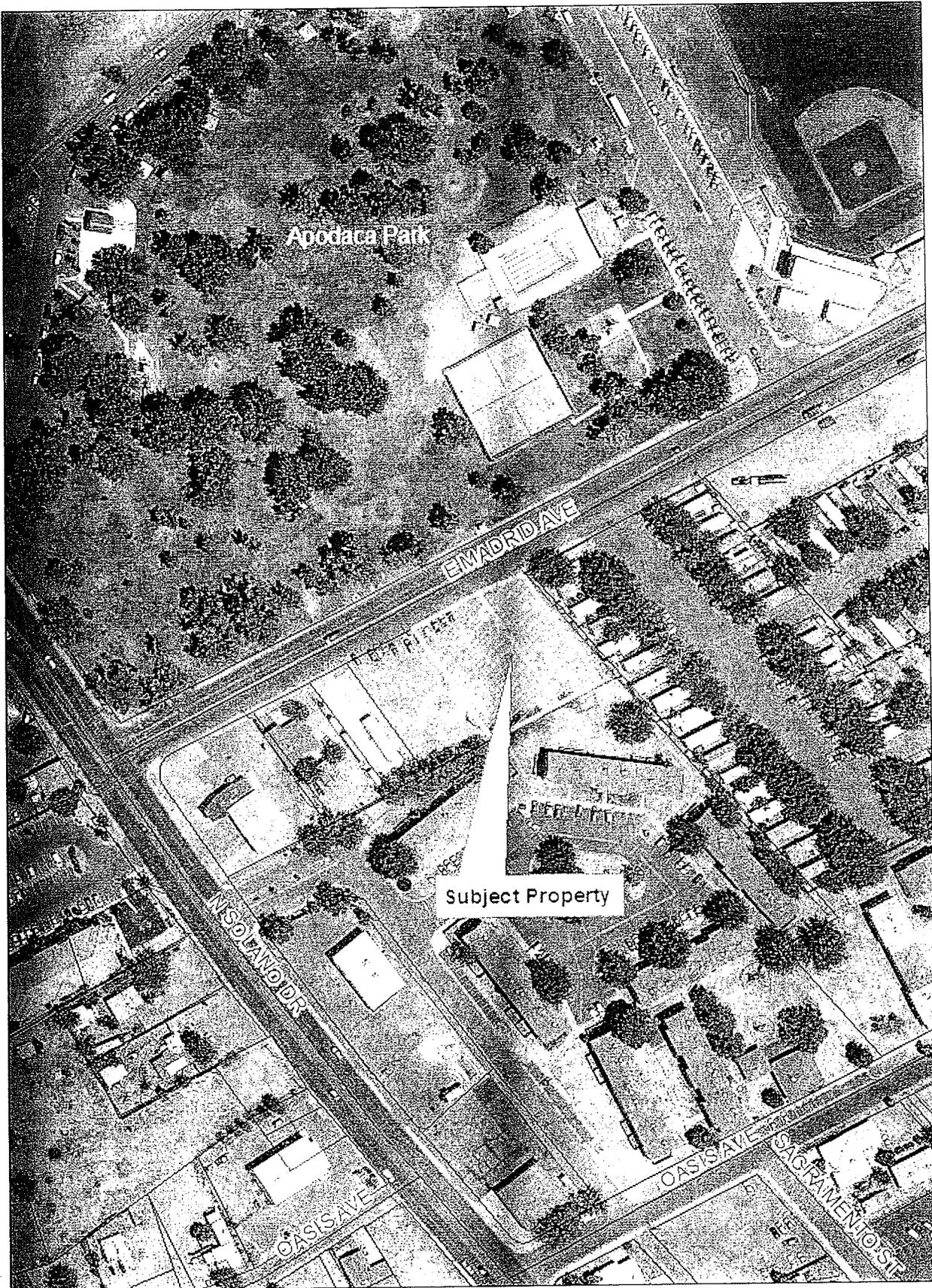
188
870 E Madrid/ Case Z2884



300 150 0 300 Feet

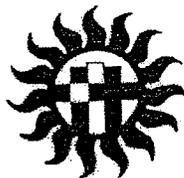


Aerial Map
870 E Madrid/ Case Z2884



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 # EZ884)

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>C-2</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	Replat
<input type="checkbox"/>	Planned Unit Development (PUD)		Alternate Summary	
<input type="checkbox"/>	1	Concept Approval	Infill Sub: Conceptual Plan	
<input type="checkbox"/>	2	Final Site Plan Approval	Vacation Subdivision	
<input type="checkbox"/>	3	Amendment	Annexation/Partition/Plat/Initial Zoning Reg.	
<input type="checkbox"/>	4	Renewal/Time Extension		
<input type="checkbox"/>	West Mesa Ind. 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 
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

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

3
4 Crane: Mr. Ochoa, Case Z2884.

5
6 Ochoa: I will hand the microphone off to Katherine Harrison-Rogers sir.

7
8 Crane: Thank you.

9
10 H-Rogers: Good evening gentlemen. As was stated, this is Case Z2884 located at
11 870 East Madrid Avenue. It's a zone change from R-3 to C-2. Israel
12 Brown, the applicant on behalf of the property owners, Javier and Silvia
13 Terrazas, is requesting this zone change in order to establish an ice
14 cream shop at this location as well as a couple of other essentially store
15 fronts in a, in a little shopping center.

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

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

45 And of course with that staff is recommending approval without any
46 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.

1
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