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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 2544 Council District: 2

For Meeting of October 26, 2009
 (Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 4.31 ± ACRES LOCATED AT 1400 EAST MISSOURI AVENUE. THE ZONE CHANGE WILL BRING THE PROPERTY INTO ZONING COMPLIANCE, BASED ON THE OVERALL SIZE OF THE PROPERTY EXCEEDING THE ONE ACRE MAXIMUM LOT SIZE FOR PROPERTIES WITHIN THE C-2 (COMMERCIAL MEDIUM INTENSITY) ZONING DISTRICT. SUBMITTED BY CITY AND REGIONAL LAND USE CONSULTANTS FOR GADCO OF EL PASO, LLC (Z2793).

PURPOSE(S) OF ACTION: Approval of a zone change that will bring the existing shopping center into compliance with the 2001 Zoning Code, as amended.

Name of Drafter: Cheryl Rodriguez <i>CR</i>		Department: Community Development		Phone: 528-3207	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>DW</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The property owner, GADCO of EL Paso, LLC, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 4.31 ± acres of property located at 1400 East Missouri Avenue. The subject property contains a shopping center occupied by a grocery store, bicycle store, two restaurants, a cosmetology school, tavern, and an ice cream shop. The grocery store is currently undergoing an internal renovation. The internal renovation triggered the need for the subject property to come into compliance with the 2001 Zoning Code, as amended. As the subject property exceeds the maximum lot size requirement of one-acre for the C-2 (Commercial Medium Intensity) zoning district, the applicant is seeking a zone change request to C-3 (Commercial High Intensity) to bring the subject property into compliance with the 2001 Zoning Code, as amended.

The shopping center and ancillary buildings were constructed in 1965 and have a combined gross floor area (GFA) of 45,000 ± square feet. The subject property is located at the southeastern intersection of South Solano Drive and Missouri Avenue. The Metropolitan Planning Organization (MPO) has classified South Solano Drive and Missouri Avenue as Principal Arterial roadways. The property also has access from Luna Street classified as a Local roadway. The portion of Luna Street located south of Missouri Avenue terminates at the southern boundary of the shopping center. A bicycle lane is located on the western side of

South Solano Drive from Lohman Avenue to Missouri Avenue. A bus shelter is located on the northern side of Missouri Avenue in close proximity to the intersection of South Solano Drive and Missouri Avenue. There are no trails present within the general area.

The 2001 Zoning Code, as amended, requires shopping centers exceeding 15,000 square feet to provide one parking stall per 200-300 square feet of GFA. Based on the GFA of the shopping center, a range of 150 to 225 parking spaces are required. The subject property is in compliance with the parking requirements set forth in the 2001 Zoning Code, as amended.

The City of Las Cruces Design Standards requires additions or structural modifications to existing buildings with a value of \$25,000.00 or over to provide landscaping. The parking area determines the amount of landscaping required for the site. A minimum area equal to 15 percent of the total parking area shall be landscaped. For the purpose of landscaping compliance, the parking area includes the entire tract of land except for the building pad and fenced-in storage area. The subject property has mature landscaping including trees in excess of twenty feet in height. The property has ground cover (i.e. grass) along the entire frontage of Missouri Avenue and South Solano Drive. The property also has landscaped islands distributed throughout the parking lot. The subject property is in compliance with the minimum landscaping requirements set forth in the City of Las Cruces Design Standards.

The 2001 Zoning Code, as amended, identifies the requirement for separation distances and landscaping screens between zoning districts and/or land uses. The property is bordered to the north and west by two major thoroughfares (Missouri Avenue & South Solano Drive) and to the east by Luna Drive, a minor local roadway. Separation distance and landscaping screens are not required adjacent to these boundaries. The subject property is bordered to the south by one residentially zoned property and a commercially zoned mini-storage business. A landscaping screen is required adjacent to the residential property. Currently an opaque cinder block wall of an approximate height of five (5) feet is located on the northern boundary of the residential property. The shopping center's loading area, i.e., an alley, is located adjacent to the residential home providing an additional distance separation between the residential home and the shopping center. The subject property is in compliance with the separation distance and landscaping screen requirements set forth in the 2001 Zoning Code, as amended.

On July 28, 2009, the Planning and Zoning Commission (P&Z) recommended approval without conditions for the zone change by a vote of 4-0-0 (three Commissioners absent). No public comment was received during the P&Z hearing regarding this case. To date no comments have been received from the surrounding property owners.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Ordinance
2. Exhibit "A"- Metes and Bounds Description of Property
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2793
5. Attachment "B"- Minutes from the July 28, 2009 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote YES to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for approval. The property located at 1400 East Missouri Avenue will be rezoned from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity).
2. Vote NO to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium Intensity) will remain on the property located at 1400 East Missouri Avenue. The property will be allowed to continue to operate as shopping center having a non-conforming land use status.
3. Modify the Ordinance and vote YES to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10--015
ORDINANCE NO. 2544

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) FOR 4.31 ± ACRES LOCATED AT 1400 EAST MISSOURI AVENUE. THE ZONE CHANGE WILL BRING THE PROPERTY INTO ZONING COMPLIANCE, BASED ON THE OVERALL SIZE OF THE PROPERTY EXCEEDING THE ONE ACRE MAXIMUM LOT SIZE FOR PROPERTIES WITHIN THE C-2 (COMMERCIAL MEDIUM INTENSITY) ZONING DISTRICT. SUBMITTED BY CITY AND REGIONAL LAND USE CONSULTANTS FOR GADCO OF EL PASO, LLC (Z2793).

The City Council is informed that:

WHEREAS, GADCO of El Paso, LLC, the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 4.31 ± acres located at 1400 East Missouri Avenue; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 28, 2009, recommended that said zone change request be approved by a vote of 4-0-0 (three Commissioners absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity) for the property located at 1400 East Missouri Avenue.

(II)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(III)

THAT the zoning of said properties 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 _____ 2009.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

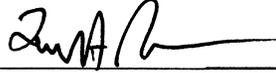
VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

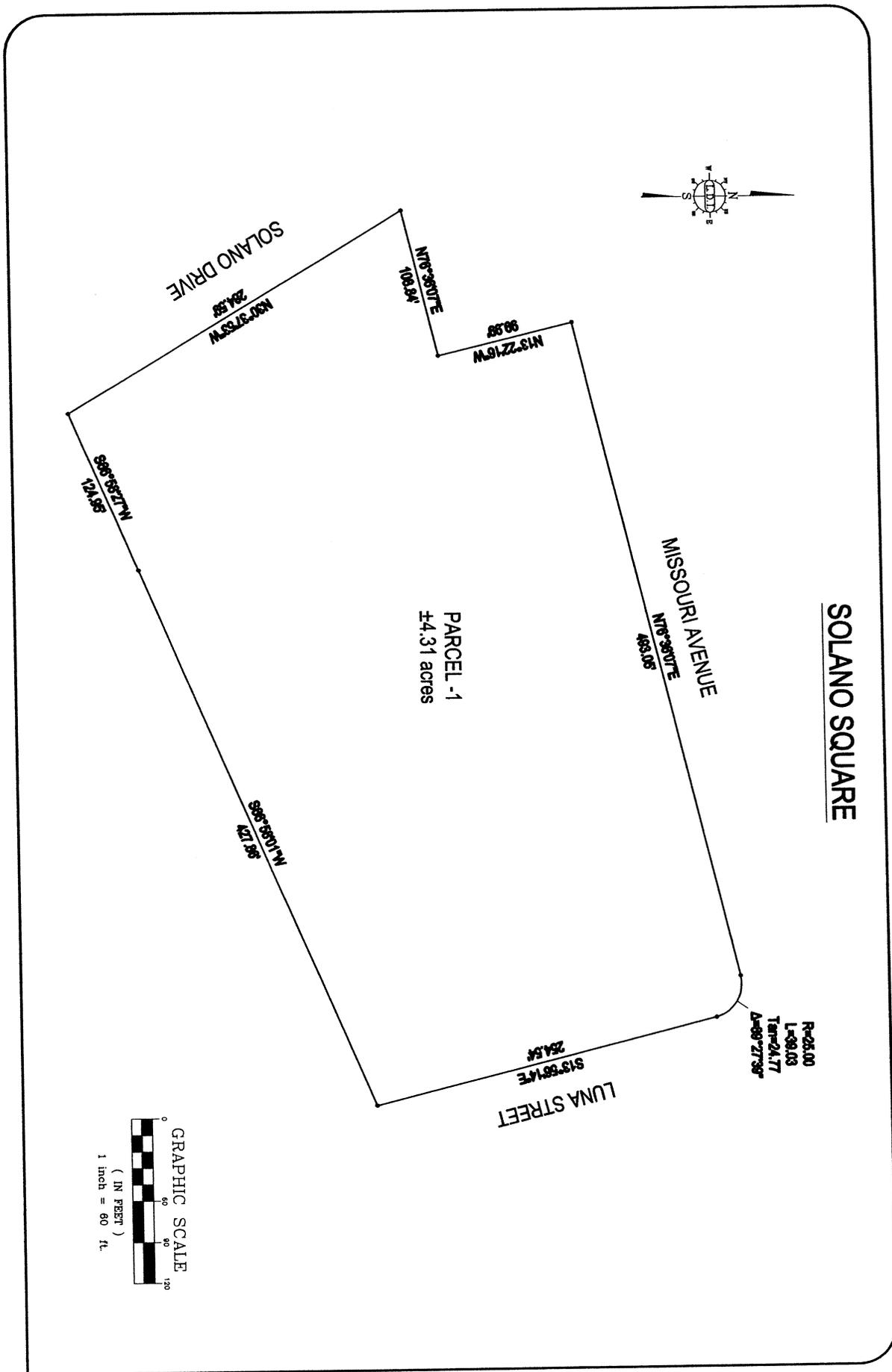


EXHIBIT "B"
FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The subject property is 4.31 +/- acres located at 1400 E. Missouri Avenue.
2. The subject property is in compliance with landscaping and parking requirements of the 2001 Zoning Code, as amended.
3. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is based on the property exceeding the maximum threshold of one (1) acre for properties zoned C-2 (Commercial Medium Intensity).
4. The shopping center was constructed in 1965 having a combined gross floor area of 45,000 +/- square feet.
5. The Metropolitan Planning Organization (MPO) has classified S. Solano Drive and Missouri Avenue as Principal Arterial roadways.
6. To date no comments have been received from surrounding property owners.
7. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-1/R-4/R-1a	Professional office/ single family residence
South	R-1a/C-2c	Single-family residence/mini storage units
East	C-2/R-3	Professional office/apartments
West	O-1	Professional offices/apartments

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policy 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center.

A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

h. Low and medium intensity commercial use are permitted in high intensity commercial areas.



TO: Planning and Zoning Commission

PREPARED BY: James A. White, AICP, Planner *JW*

DATE: July 28, 2009

SUBJECT: 1400 E. Missouri Avenue (Zone Change)

RECOMMENDATION: Approval – without conditions for zone change (Case Z2793)

Case Z2793: A request for a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 4.31 +/- acres located at 1400 E. Missouri Avenue. The subject property is a shopping center (Solano Square) having multiple tenants. The zone change will bring the property into compliance with the 2001 Zoning Code, as amended for commercial properties exceeding the maximum acreage of one (1) acre for properties zoned C-2 (Commercial Medium Intensity). Submitted by City and Regional Land Use Consultants for GADCO of El Paso, LLC.

BACKGROUND

The applicant, GADCO of El Paso, LLC, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for property located at 1400 E. Missouri Avenue. The property is currently a shopping center consisting of 4.31 +/- acres occupied by a grocery store, bicycle store, two restaurants, a cosmetology school, a tavern and an ice cream shop. The grocery store is proceeding with an internal renovation. The internal renovation of the grocery store requires for the property to become into compliance with the 2001 Zoning Code, as amended. The zone change request is based on the total area of the subject property exceeding the maximum threshold of one (1) acre for properties zoned C-2 (Commercial Medium Intensity). The applicant's zone change will bring the property into compliance with the 2001 Zoning Code, as amended.

The shopping center and ancillary building were constructed in 1965 and have combined gross floor area of 45,000 +/- square feet. The subject property is located at the southeastern intersection of S. Solano Drive and Missouri Avenue. The Metropolitan Planning Organization (MPO) has classified S. Solano Drive and Missouri Avenue as Principal Arterial roadways. The property also has access from Luna Street classified as a Local roadway. The portion of Luna Street located south of Missouri Avenue terminates at the southern boundary of the shopping center. A bicycle lane is located on the western side of S. Solano Drive from Lohman Avenue to Missouri Avenue. A bus shelter is located on the northern side of Missouri Avenue in close proximity to the intersection of S. Solano Drive and Missouri Avenue. There are no trails present within the general area.

PARKING

The property contains 90,465 square feet or 2.07 acres of improved parking. The 2001 Zoning Code, as amended requires shopping centers exceeding 15,000 square feet to provide one (1) parking stall per 200-300 square feet of gross floor area. Therefore, based on the gross floor area of the shopping center a range of 150 to 225 parking spaces are required. The property is in compliance with the parking requirements of the 2001 Zoning Code, as amended.

LANDSCAPING AND SCREENING

The City of Las Cruces Design Standards requires additions or structural modifications to existing buildings with a value of \$25,000.00 or over to provide landscaping. The parking area will determine the amount of landscaping required for the site. A minimum area equal to 15 percent of the total parking area shall be landscaped. For the purpose of landscaping compliance, the parking area includes the entire tract of land except for the building pad and fenced-in storage area.

The subject property has mature landscaping including trees in excess of twenty feet in height. The property has ground cover (i.e. grass) along the entire frontage of Missouri Avenue and S. Solano Drive. The property also has landscape islands distributed throughout the parking lot. The subject property is in compliance with the required 15% landscaping required on the subject property.

The property is bordered to the north and west by two major thoroughfares (Missouri Avenue & S. Solano Drive respectively) and to the east by Luna Drive (Local). Therefore, additional buffering (screening) is not required adjacent to these boundaries. The property is bordered to the south by one (1) residential zoned property and a commercially zoned mini-storage business. Buffering (screening) is only required adjacent to the residential property. Currently an opaque cinder block wall having an approximate height of five (5) feet is located on the northern boundary of the residential property. The shopping center's loading area (i.e. alley) is located adjacent to the residential home providing an additional buffer yard between the residential home and the shopping center. Additional screening is not required.

To date no comments have been received from surrounding property owners.

FINDINGS

1. The subject property is 4.31 +/- acres located at 1400 E. Missouri Avenue.
2. The subject property is in compliance with landscaping and parking requirements of the 2001 Zoning Code, as amended.

3. The zone change request from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) is based on the property exceeding the maximum threshold of one (1) acre for properties zoned C-2 (Commercial Medium Intensity).
4. The shopping center was constructed in 1965 having a combined gross floor area of 45,000 +/- square feet.
5. The Metropolitan Planning Organization (MPO) has classified S. Solano Drive and Missouri Avenue as Principal Arterial roadways.
6. To date no comments have been received from surrounding property owners.
7. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-1/R-4/R-1a	Professional office/ single family residence
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West	O-1	Professional offices/apartments

8. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policy 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

- d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

Staff has reviewed this zone change and recommends approval without conditions, based on the preceding findings

RECOMMENDATION

The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

OPTIONS

1. Approve the request as recommended by staff for case Z2793.
2. Approve the request with additional conditions.
3. Deny the request.

ATTACHMENTS

1. Development Statement
2. Agent's narrative
3. Site plan *internal remodel
4. Vicinity Map

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
 Please type or print legibly

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 or City Council 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: GADCO OF EL PASO LLC
 Contact Person: KIRK CLIFTON - CITY AND REGIONAL LAND USE CONSULTANTS
 Contact Phone Number: _____
 Contact e-mail Address: KirkClifton@gmail.com
 Web site address (if applicable): _____

Proposal Information

Location of Subject Property 1400 E. MISSOURI AVE. / SE CORNER MISSOURI & SOLANO
 (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)
 Current Zoning of Property: C-2
 Proposed Zoning: C-3
 Acreage of Subject Property: 4.31± ACRES
 Detailed description of intended use of property. (Use separate sheet if necessary):
EXISTING USE OF PROPERTY HAS BEEN AND CONTINUES TO
BE A SHOPPING CENTER. NO CHANGE IN LAND USE OR
EXPANSION OF USE. APPLICANT HAS BUILDING PERMIT UNDER
REVIEW AND STAFF REQUESTED PROPERTY BE BROUGHT INTO COMPLIANCE
 Proposed square footage and height of structures to be built (if applicable):
EXISTING STRUCTURE - APPROXIMATELY (BUILT ± 1965)
 Anticipated hours of operation (if proposal involves non-residential uses):
NO CHANGE IN OPERATIONAL TIMES

Anticipated traffic generation 2000-2500 ± / DAY trips per day (if known).

NO CHANGE IN LAND-USE - TRAFFIC GENERATION REMAINS THE SAME

Anticipated development schedule: Work will commence on or about N/A - EXISTING SHOPPING CENTER and will take approximately _____ to complete.

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

ON-LOT PONDING (EXISTING PER C.I.C. DESIGN STANDARDS)

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

EXISTING LANDSCAPING AND SITE DESIGN FEATURES AS SEEN ON-SITE.

Attachments

Please attach the following: (* indicates optional item)

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

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CITY AND REGIONAL

LAND USE CONSULTANTS

MASTER PLANNING, URBAN DESIGN, SMART GROWTH,
PROJECT MANAGEMENT, & GOVERNMENT AFFAIRS

April 29, 2009

Mr. James White, AICP
City Zoning Administrator
City of Las Cruces Community Development Department
P.O. Box 20000
Las Cruces, NM 88004

RE: Zone Change Request – 1400 E. Missouri Ave., “Solano Square Shopping Center”

Mr. White,

Attached you will find a complete zone change application for property located at 1400 E. Missouri Avenue. The property is currently zoned C-2 and the request is to change it to C-3. The applicant presently has a building permit under review for a commercial remodel of a portion of the existing shopping center. Apparently, City review staff has requested the property be brought into compliance with the 2001 Las Cruces Zoning Code, as amended. Under the present zoning code, the C-2 zoning district allows for a maximum lot size of 1 acre. The existing shopping center is located on approximately 4.31 acres of land. The C-3 zoning designation would permit this lot size for the existing land use. As a point of interest, this shopping center has been at this location since approximately 1965.

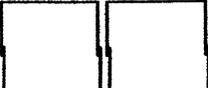
Please note that the applicant for this case is “GADCO of El Paso, LLC”. I have been retained to assist the applicant with this zone change process. City Building Inspection staff has stated that once this application has been submitted, they will release the building permit. If you should have any questions or need additional information, please feel free to contact me at 571-2464. I look forward to working with you on this project.

Sincerely,



Kirk M. Clifton, AICP

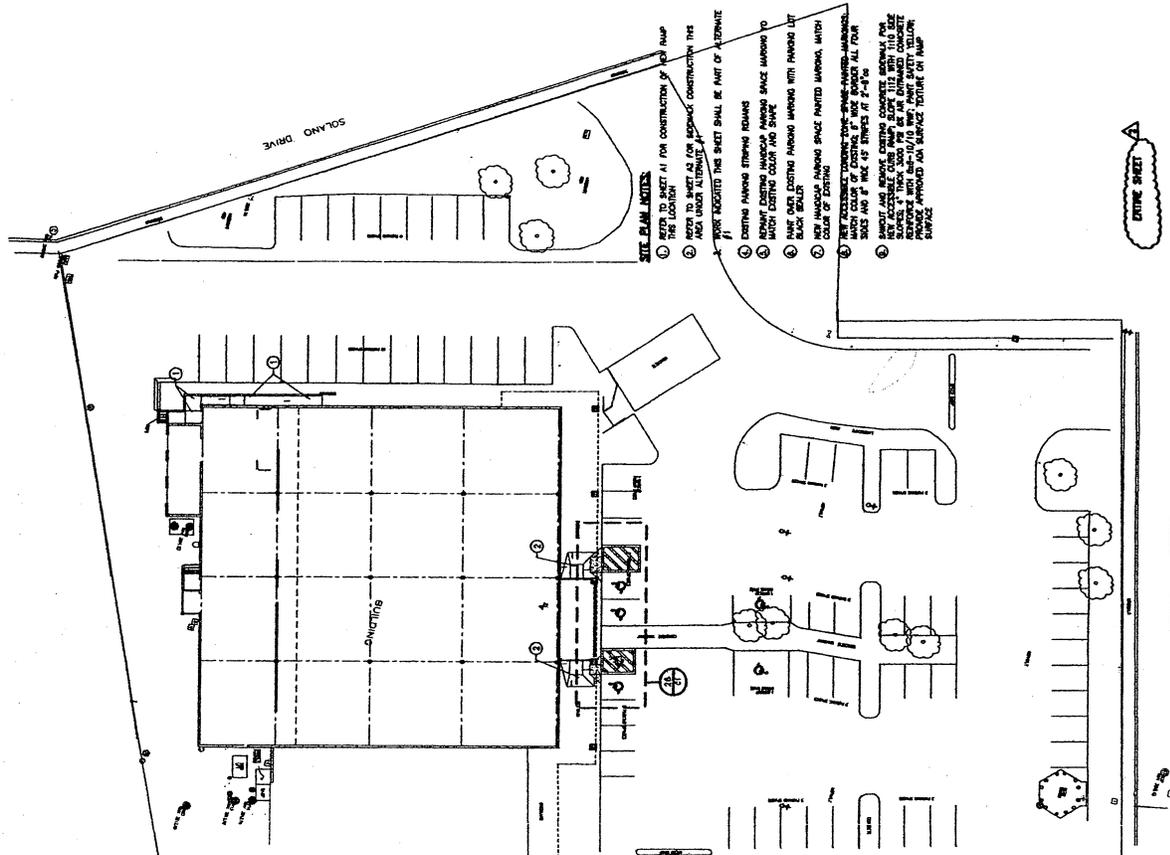
President, City and Regional Land Use Consultants



LOWES #58
 2009 INTERNAL REMODEL AND
 COVER ADDITION
 LAS CRUCES, NEW MEXICO
 PH: 505-522-0794
 1410 EAST MISSOURI

DATE: 08-28-2009
 TIME: 09:00 AM
 DRAWN BY: JEB
 CHECKED BY: JEB

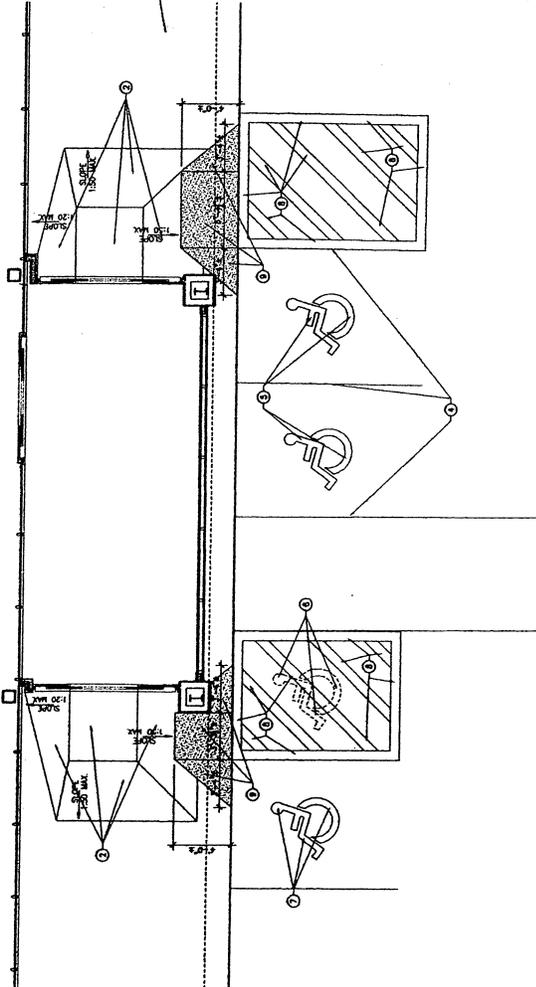
SHEET
C1
 PAGE 1 OF 13



ENTIRE SHEET A

EMBASSY INGRESS

SITE PLAN
 SCALE: 1"=20'-0"



*INTERNAL REMODEL

1 **MEETING OF PLANNING AND ZONING COMMISSION**
 2 **FOR THE**
 3 **CITY OF LAS CRUCES**
 4 **City Council Chambers**
 5 **July 28, 2009 at 6:00 p.m.**

6
 7 **BOARD MEMBERS PRESENT:**

8 Godfrey Crane, Vice Chair
 9 Donald Bustos, Secretary
 10 Charles Beard, Member
 11 Ray Shipley, Member

12
 13 **BOARD MEMBERS ABSENT:**

14 Charles Scholz, Chairman
 15 Shawn Evans, Member
 16 Clayton Iserman, Member

17
 18 **STAFF PRESENT:**

19 Cheryl Rodriguez, Development Services Administrator
 20 Gary Hembree, Senior Planner
 21 James White, Planner
 22 Adam Ochoa, Associate Planner
 23 Helen Revels, Associate Planner
 24 David Dollahon, Neighborhood Services Administrator
 25 Jennifer Robertson, Planner
 26 Robert Gonzales, Las Cruces Fire
 27 Jared Abrams, CLC Legal Staff
 28 Becky Eich, Recording Secretary

29
 30 **I. CALL TO ORDER 6:00**

31
 32 Crane: Good evening, ladies and gentlemen. This is Tuesday, the 28th of July
 33 and this is the call to order of the Planning and Zoning Commission
 34 meeting. Let me start by introducing the members as we usually do. On
 35 my far right, Commissioner Shipley, he is the Mayor's representative.
 36 Then Commissioner Bustos, representing district 3. Commissioner Beard,
 37 district 2. My name's Crane, I'm the Vice Chair and tonight I'm substituting
 38 for Charlie Scholz, our usual Chair who can't be with us. And I represent
 39 district 4.

40
 41 **II. APPROVAL OF MINUTES - June 30, 2009**

42
 43 Crane: The first thing on our agenda is to have comments on and approval of the
 44 minutes of the last meeting. Commissioners, anybody have any points to
 45 make about that? Then the Chair will entertain a motion the minutes be
 46 accepted.

1
2 Beard: So second.

3
4 Crane: Is there a second?

5
6 Bustos: Second

7
8 Crane: All in favor, aye.

9
10 ALL COMMISSIONERS - AYE.

11
12 Crane: Opposed nay. Minutes are accepted four to nothing.

13
14 **III. POSTPONEMENTS**

15
16 1. **Case SNC-09-01:** A City of Las Cruces initiated street name change from
17 Del Rey Boulevard to Check Court for a 910 +/- foot section of roadway that
18 runs east-west and from Del Rey Boulevard to Weaver Trail for 1,575 +/- foot
19 section of roadway that runs north-south between Check Court and Tucson
20 Avenue. The realignment of Del Rey Boulevard has initiated the street name
21 changes. Submitted by the City of Las Cruces.

22 **POSTPONED TO AUGUST 25, 2009**

23
24 Crane: We have one postponement on the docket, Case SNC-09-01 and I heard
25 a hint that there was another one, Mr. White.

26
27 White: For the record James White Community Development Department. The
28 applicant in request to Case Z2786 has requested a postponement, date
29 certain to 08/25/2009.

30
31 Crane: What was the date again?

32
33 White: August 25th, 2009.

34
35 Crane: Thank you.

36
37 **IV. WITHDRAWALS**

38
39 1. **Case A1693:** A request for a variance from the type of freestanding signage
40 allowed in the Lohman Avenue Overlay District (LAO). The subject property
41 is located at 115 Roadrunner Parkway and is subject to the LAO guidelines.
42 In the LAO a ground sign is the only type of freestanding sign allowed with a
43 maximum height of seven feet. The applicant would like to stall an elevated
44 pole sign with a minimum height of 10 feet. The proposed sign will be a
45 minimum of three feet taller than the allowed maximum height of seven feet.
46 The subject property is zoned C-3C (Commercial High Intensity-Conditional)

1 and encompasses +/- 1.72 acres. Submitted by Carrie Swartz. Swartz
2 Investment Group LLC on behalf of property owner Gary Anderson.

3
4 Crane: We also have a withdrawal, Case A1693.

5
6 White: Commissioner Crane, can I interject real briefly. Can we get a motion to
7 postpone Case Z2786 until August 25, 2009?

8
9 Crane: I beg your pardon, quite right.

10
11 Shipley: I move that we postpone Z2786 until August 25th, 2009.

12
13 Bustos: I second.

14
15 Crane: Seconded by Mr. Bustos. I think we can do this by voice vote Mr. White?
16 All in favor.

17
18 ALL COMMISSIONERS MEMBERS - AYE.

19
20 Crane: Opposed, passes four to nothing. That is postponed until August 25th.
21 Thank you, Mr. White.

22
23 **V. CONSENT AGENDA**

24
25 1. **Case CP-09-01 - MOVED TO NEW BUSINESS #1.**

26
27 2. **Case S-09-012 - MOVED TO NEW BUSINESS #2**

28
29 3. **Case PUC-09-03:** A request for final site plan approval for La Paloma
30 Subdivision located at the northwest intersection of Rinconada Boulevard and
31 Settlers Pass. The subject properties encompass 11.683 +/- acres
32 continuing 82 residential lots and one commercial lot of 1.698 +/- acres that
33 are zoned PUD (Planned Unit Development). The development standards
34 will follow the approved concept plan for La Paloma Subdivision. Submitted
35 by Zia Engineering for Rinconada Development of Las Cruces.

36
37 4. **Case Z2793:** A request for a zone change from C-2 (Commercial Medium
38 Intensity) to C-3 (Commercial High Intensity) for 4.31 +/- acres located at
39 1400 E. Missouri Avenue. The subject property is a shopping center (Solano
40 Square) having multiple tenants. The zone change will bring the property into
41 compliance with the 2001 Zoning Code, as amended for commercial
42 properties exceeding the maximum acreage of one acre for properties zoned
43 C-2 (Commercial Medium Intensity). Submitted by City and Regional Land
44 Use Consultants for GADCO of El Paso, LLC>

- 1 5. **Case S-08-103:** A request for final plat approval for a development known as
 2 Mesa Village Tracts No. 2, Replat No. 1. The subject property consists of
 3 2.34 +/- acres and is located at 6520 Peachtree Hills Road, east of Porter
 4 Drive, and south of Peachtree Hills Road and is zoned R-1a (Single-Family
 5 Medium Density). The proposed final plat will replat one lot of create a
 6 second lot. A waiver for no road improvements to Peachtree Hills Road was
 7 approved by City Council on June 22, 2009, through Resolution No. 09-317.
 8 Submitted by Southwest Engineering for Victor and Armida Ramirez.
 9
- 10 6. **Case S-09-011 - MOVED TO NEW BUSINESS #3.**
- 11
- 12 7. **Case Z2785 - MOVED TO NEW BUSINESS #4.**
- 13
- 14 8. **Case S-09-027 - MOVED TO NEW BUSINESS #5.**
- 15
- 16 9. **Case A1693 - MOVED TO NEW BUSINESS #6.**

17

18 Crane: Next is our consent agenda which has presently nine items on it. And this
 19 is voted on as a package so to speak unless any member of the
 20 Commission or the public or the staff wishes to have one or more items on
 21 the consent agenda discussed. Sir.

22

23 Dawe: Good evening Commissioner, my name is Tom Dawe, I'm a lawyer and I
 24 represent Alameda Land Investment Company. And we request that
 25 Cases six and seven be removed from the consent agenda for discussion.

26

27 Crane: Give me that number again please.

28

29 Dawe: Yes, sir. Six and seven.

30

31 Crane: Six and seven on that list. Right which is...?

32

33 Dawe: S-09-011 and Z2785.

34

35 Crane: All right. We will put that as the first item of new business.

36

37 Dawe: Thank you.

38

39 Crane: Any other items to be removed from the consent agenda?

40

41 Shipley: Yes. Number one, number two.

42

43 Crane: Number one.

44

45 Shipley: Number one, number two.

46

- 1 Crane: CP-09-01 right.
2
3 Shipley: CP-09-01. Number two Case S-09-012. And also 09-27 and Z2794.
4
5 Crane: That would be eight and nine. So the first item of new business when we
6 get to it will be S-09-011 and Z2785 as a pair. The next item of new
7 business would be...
8
9 Rodriguez: Mr. Chairman.
10
11 Crane: Yes?
12
13 Rodriguez: Staff would recommend since based off of the cases that are coming off
14 the consent agenda to be considered for new discussion, staff would
15 recommend that we would hear them in order. So case number one on
16 the consent agent that's coming off we will just hear them in order as we
17 go down the agenda and then get into new business. That would be
18 staff's recommendation.
19
20 Crane: Do you have any objection Mr. Dawe?
21
22 Dawe: No, sir.
23
24 Crane: Thank you. Very well then, the first item of new business and off the
25 consent agenda will be CP-09-01, then S-09-012, then S-09-027, then
26 Z2794, and finally S-09-011 and Z2785. Then we will get to the items
27 already on the new business agenda.
28
29 Rodriguez: Mr. Chairman, if we can please have a motion to amend the agenda as
30 noted please.
31
32 Shipley: I so move to amend the agenda as noted.
33
34 Bustos: I second.
35
36 Crane: Thank you Mr. Bustos. All in favor.
37
38 ALL COMMISSIONERS MEMBERS - AYE.
39
40 Crane: Opposed. That leaves us with three items on the consent agenda, PUD-
41 09-03, Z2793, S-08-103. Is there any opposition to having those remain
42 on the consent agenda? Commissioners.
43
44 Shipley: I move to accept item number three Case PUD-09-03, number four Case
45 Z2793, and number five Case S-08-013.
46

1 Rodriguez: Mr. Chairman, I just wanted to let you know that there will not be... there is
2 not a work session scheduled for the month of August. So the only
3 meeting the Commission would be involved in would be your regular
4 Tuesday meeting.
5

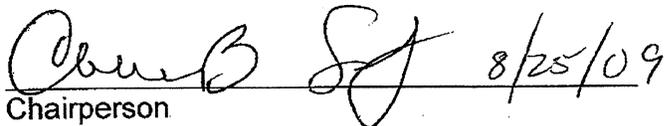
6 Crane: So it's almost a vacation month for us?
7

8 Rodriguez: Almost, yeah.
9

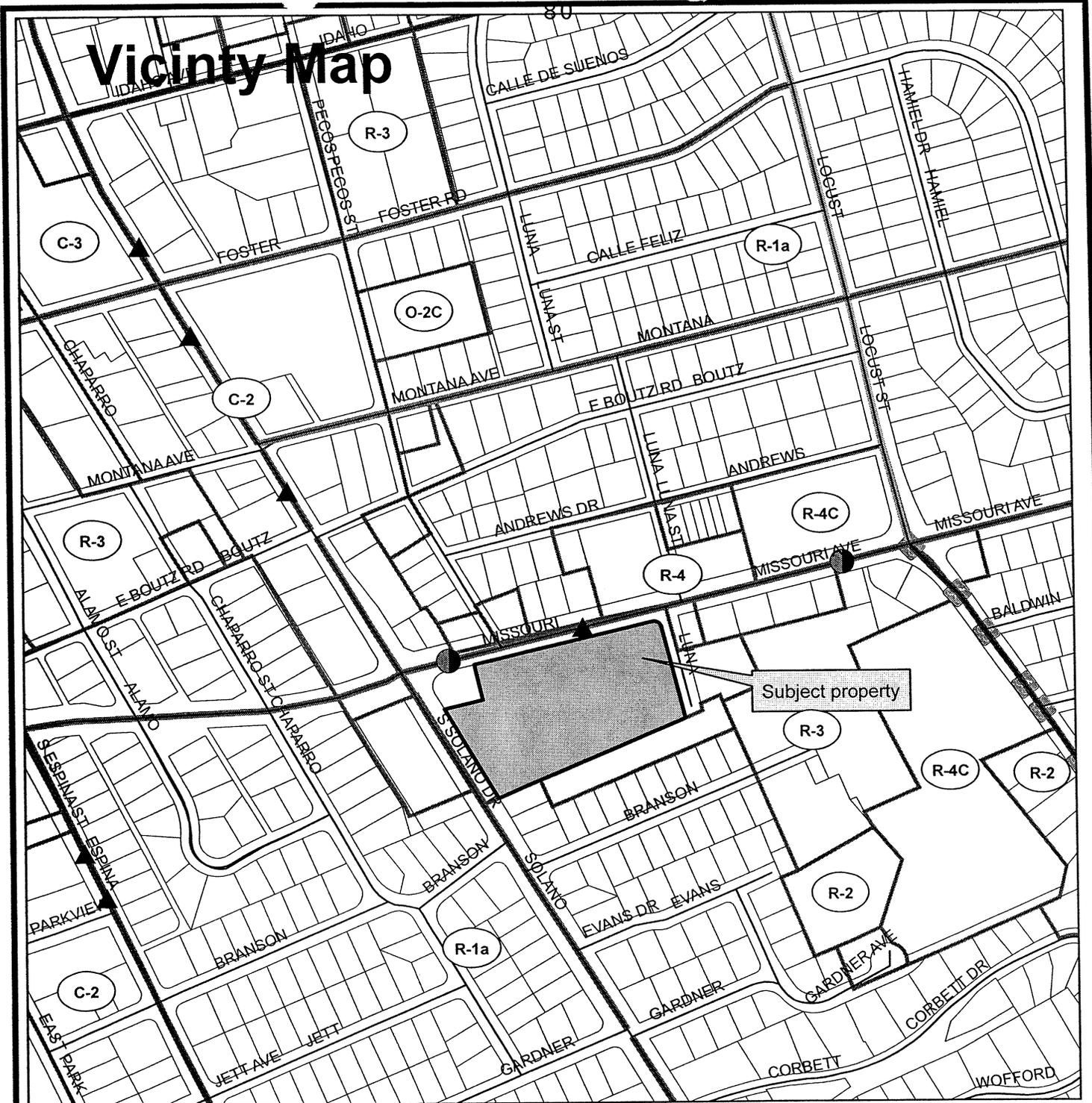
10 Crane: Thank you.
11

12 **XI. ADJOURNMENT 9:59**
13

14 Crane: We stand adjourned at 9:59. Thank you.
15
16
17
18

19  8/25/09
20
21 Chairperson
22

Vicinity Map



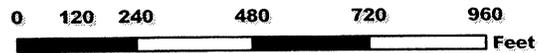
MAP CREATED FOR: JWHITE (Z2793)

ADDRESS: 1400 E. Missouri Avenue

OWNERS: GADCO

DATE: 7/22/2009 12:15:50 PM

ZONING: R-1a



Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222

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